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FEDERAL FUNDS FOR SPECIAL EDUCATION

PUBLIC LAWS 94-142 AND 89-313

Procedures used by the Division of Special Education in Administering Funds

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2M-9-79-152281 Estimated Cost Per Copy $.85

FEDERAL FUNDS FOR SPECIAL EDUCATION

PUBLIC LAW 94-142

PUBLIC LAW 89-313

Procedures Used By the Division of Special Education

In Administering Funds

The Commonwealth of Massachusetts
Department of Education
Division of Special Education
31 St. James Avenue
Boston, MA 02116

JUNE 1979

PREFACE

This handbook was prepared for use by Division of Special Education personnel in administering federal funds for special education. It may also be of use to grant applicants and recipients in understanding federal regulations governing the use of funds and administrative practices of the Division. Each bureau and regional office in the Division has certain responsibilities in regard to obtaining funds from the federal government, awarding grants to eligible recipients in the Commonwealth or monitoring the use of awarded funds. These responsibilities are described in detail in the handbook.

The procedures described in this handbook are current at the time of printing. Many of these procedures are new in the last year and many of them will be modified or refined in the future. For example, this is the first year that local public schools submit their annual program plan for special education and application for federal funds concurrently in one format. Next year, the Division will modify the plan and application form as a result of this year's experience.

The Department of Education has been actively developing standard procedures for the administration of federal funds across all Divisions. Current Departmental procedures that affect special education federal funds are incorporated into this handbook; however, changes in procedure will also occur at the Departmental level. For example, the Department will promulgate additional standard procedures in the near future establishing indirect cost rates for local public school systems for all federal programs.

The procedural details described in this handbook may change somewhat from year to year. However, the basic functions required by federal regulations, that is preparing the Annual Program Plan, conducting the annual census of eligible students, granting funds to eligible recipients and administering the funds awarded will remain the responsibility of the Division to carry out on a continuing basis.

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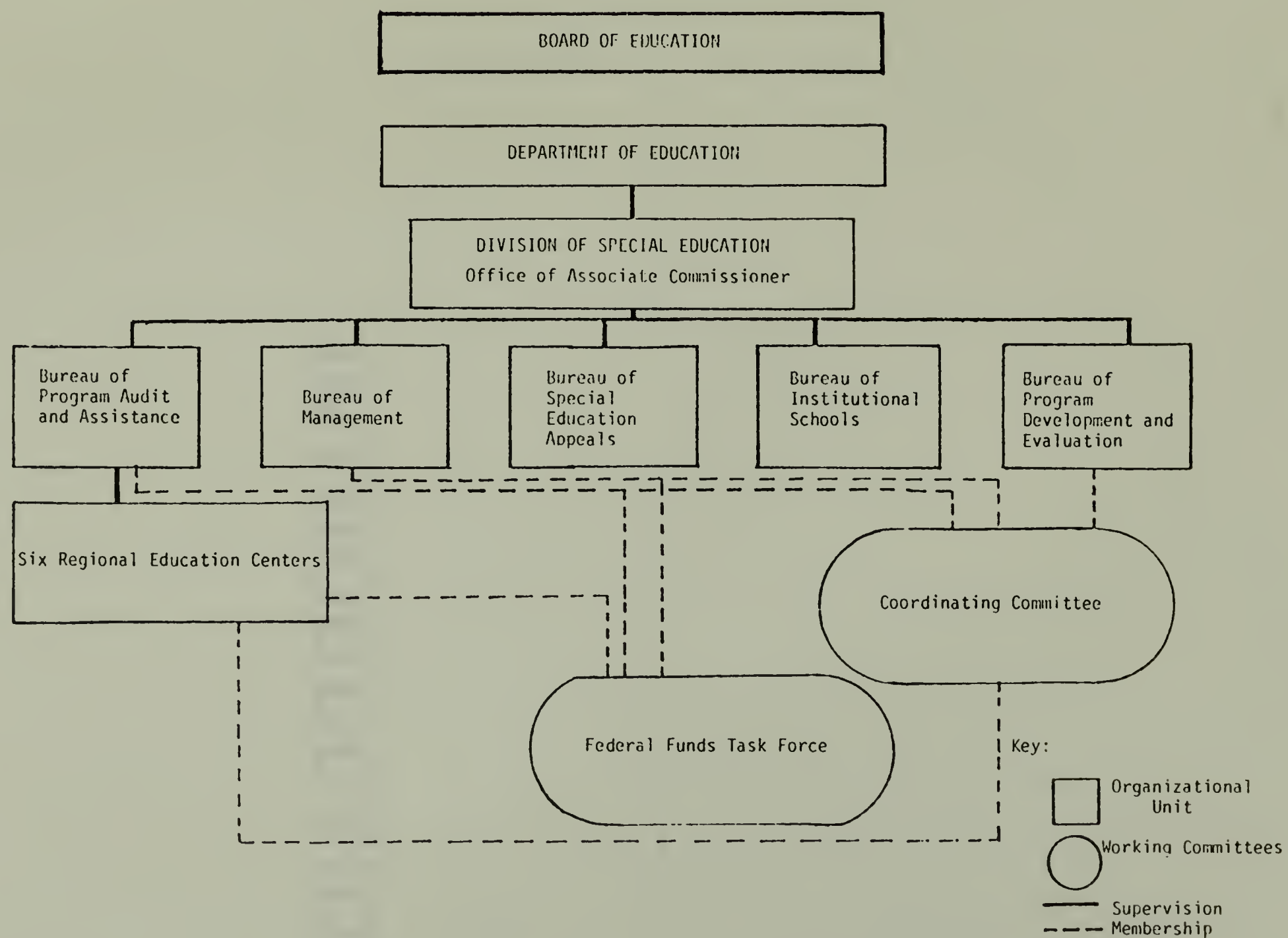
ORGANIZATION OF THE DIVISION OF SPECIAL EDUCATION AS IT RELATES TO THE ADMINISTRATION OF FEDERAL FUNDS



INTRODUCTION

The Division of Special Education is responsible for the administration of funds available under two federal programs: Title I of the Elementary and Secondary Education Act as amended by Public Law 89-313 and Title VI, Part B of the Education for all Handicapped Act as amended by Public Law 94-142.

PUBLIC LAW 89-313

The purpose of funds available through Public Law 89-313 is to provide supplemental special education services to handicapped children enrolled in state operated and state supported programs. Public schools who serve children previously enrolled in such programs are eligible to receive funds for supplementary programs, as well.

The total annual entitlement available to the Commonwealth under Public Law 89-313 is determined in part by the annual count of eligible handicapped children. Handicapped children eligible to generate Public Law 89-313 funds are those who are not older than twenty-one years of age. The student must either be currently enrolled in a state operated or supported institution, or previously enrolled during school year 1971-1972 or subsequent years and now enrolled by a local public school system. Handicapped children presently enrolled by a local public school system must have been enrolled in a state agency school for at least one year, as determined by the state agency, and must continue to receive an appropriately designed special education program prescribed by a Chapter 766 Individual Education Plan to be eligible under Public Law 89-313. (45CFRs.116b.41).[1]

The Commonwealth's annual entitlement is generated by five state agencies that operate or support programs for students with special needs. They include the Departments of Education, Public Welfare, Public Health, Mental Health and Youth Services. In the event a child generating an entitlement transfers from a state operated or supported program to a local public school system, the state agency must transfer that entitlement through the state education agency to the local public school system currently providing the educational services to the child. (45CFRs.116b.41).

Eligible state agencies and local school systems obtain funds for supplementary special education programs under this title by submitting an application to the Division of Special Education. The Division reviews and approves applications, funds the programs and monitors their implementation.

PUBLIC LAW 94-142

The purpose of Public Law 94-142 is to assure to all handicapped children "a free, appropriate, public education" and to assist states and localities in providing this education. (45CFRs.121a.1).[2] Funds are to be used to serve children in need of special education who are not receiving programs and to serve children whose programs are inadequate. Funds may also be used to meet other requirements of the law. (CFRs.121a.321). Federal financial

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[1] Title 45 of the Code of Federal Regulations. Part 116b regulates programs under P.L. 89-313. (See Appendix L.)

[2] Part 121a regulates programs under P.L. 94-142. (See Appendix M.)

assistance under this public law is administered by Department of Education. The Commonwealth receives an annual entitlement based on the total number of eligible students counted.

Eligible students are those who are ages three through twenty-one years of age receiving special education services in accordance with the students' educational plans and who are not eligible and counted for entitlement funds under the provisions of Public Law 89-313. (45CFRs.121a.750 and 116b.46).

The total state entitlement is determined by a formula contained in the Public Law. The formula, amended in October 1978, states that the annual entitlement will be based on the total number of eligible handicapped children counted as receiving special education services on December first of the preceding fiscal year times a percentage of the national average per pupil expenditure in public elementary and secondary schools.

The Public Law provides that the following schedule of percentages of the nationwide average per pupil expenditure be used as a ceiling in determining the per pupil entitlement: fiscal year 1978--5%, fiscal year 1979--10%, fiscal year 1980--20%, fiscal year 1981--30%, and fiscal year 1982 and beyond--40% (45 CFRs.121a.70). The Bureau of Education for the Handicapped (BEH) determines the entitlement using the applicable percentage of the national average per pupil expenditure in public elementary and secondary schools during the second fiscal year preceding the fiscal year for which the computation is made. The total allocation proposed to Congress by BEH uses the projected eligible population multiplied by the computed per pupil entitlement. The Congress may or may not fund the program at the maximum level.

Public Law 94-142 mandates that in fiscal year 1979 states must provide a minimum of 75% of total state allocation to establish a statewide per pupil entitlement for direct use by local education agencies (LEAs). The remaining 25% may be used by the state to provide direct or support services, in a discretionary manner, complying with the priorities prescribed with the regulations. (45CFRs.121a.706). The state is allowed to use up to 5% or $200,000, whichever is greater, of the total state allocation for payment of administrative services related to the implementation of the law. (CFRs.121a.620).

RESPONSIBILITIES OF THE DIVISION OF SPECIAL EDUCATION

The following sections of this handbook describe the procedures that the Division of Special Education uses to obtain, distribute and monitor federal funds under Title I, Public Law 89-313 and Title VIB, Public Law 94-142. Federal funds are awarded and distributed annually, and the Division of Special Education is responsible for several activities to assure eligibility for and equitable distribution of the funds. These activities can be grouped into three categories: required activities (1) to assure receipt of funds from the federal government; (2) to grant funds to eligible recipients in the Commonwealth and (3) to fund and monitor grants awarded (See Figure 1: Management of Federal Funds). The sections that follow describe each of these activities including the federal and/or state regulations governing the activity, who in the Division is responsible for conducting it, and the procedures and forms currently in use to carry it out.

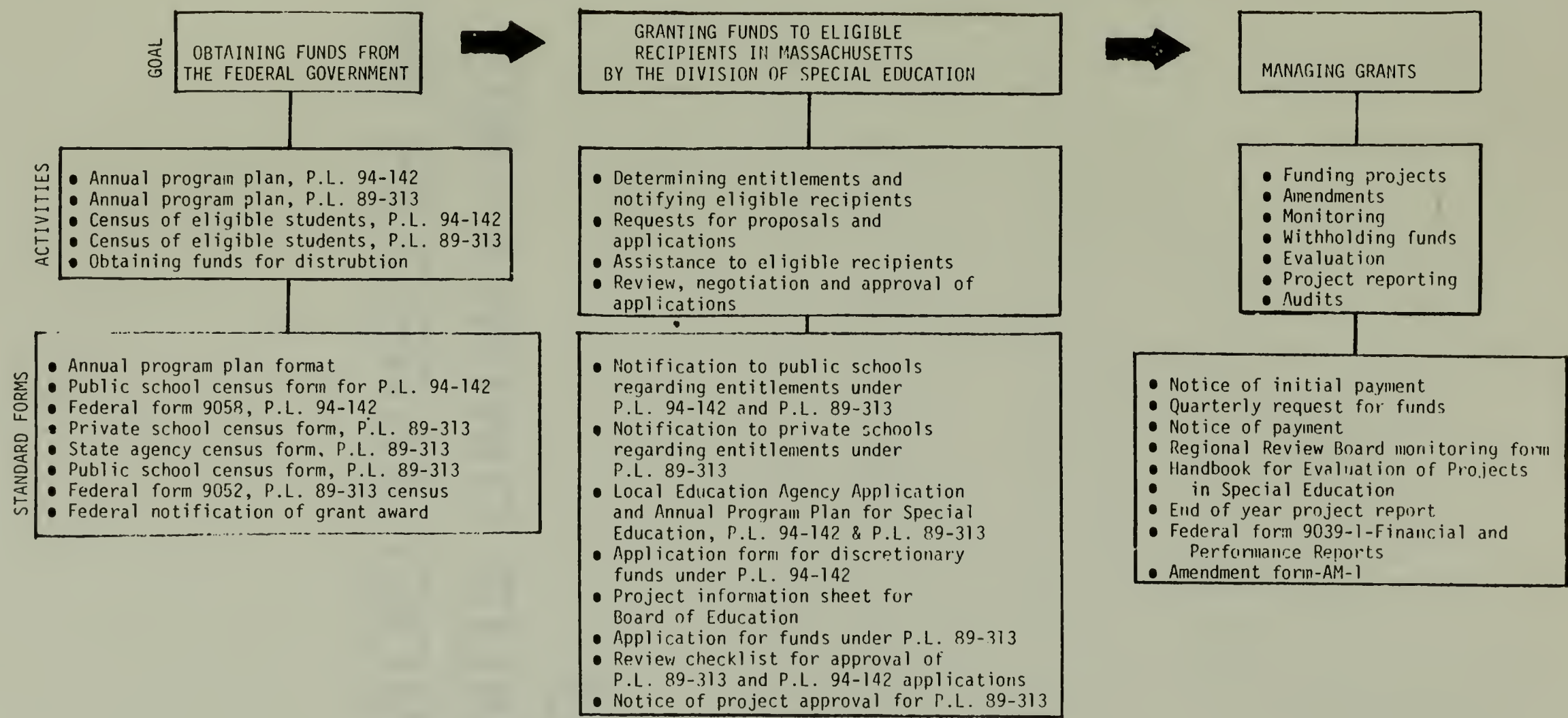

Figure 1: Management of Federal Funds under P.L. 89-313 and P.L. 94-142 by the Division of Special Education

CHAPTER I
OBTAINING FUNDS FROM THE FEDERAL GOVERNMENT

The Division of Special Education is responsible for two kinds of activities in order for the Commonwealth to be eligible for federal funds in special education. It must prepare an Annual Program Plan that describes how the funds are used and how the regulations under the Title are met. Additionally, the Division must conduct an annual census of eligible students under each title. If these tasks are successfully completed, the federal government may award funds to the Commonwealth, which the Division then makes available to eligible recipients.

THE ANNUAL PROGRAM PLAN

PUBLIC LAW 94-142

In order to be eligible for federal funds available under Public Law 94-142 the Division of Special Education must submit an Annual Program Plan for the forthcoming fiscal year to the Bureau of Education for the Handicapped, U.S. Office of Education (45CFRs.121a.110-121a.151).

This document provides assurances that: the federal funds available will be used to supplement and increase the level of state, local and private funds expended on the education of handicapped children, the state education agency will maintain administrative supervision of the plan including accurate and adequate records of disbursement of these funds, the state education agency will maintain policies and procedures insuring that all education programs for the handicapped are properly coordinated by the state education agency, the state education agency will maintain goals to provide full educational opportunities to all handicapped children, and that the priority in utilizing these funds will be given to those unserved and underserved. The state education agency must guarantee adequate procedural safeguards for handicapped children and parents or guardians in decisions regarding identification, evaluation, and placement. The state education agency must maintain policies and procedures for identifying, locating, and evaluating all handicapped children in the state in need of special education and related services. Confidentiality of appropriate data must be maintained. Goals, timetables and assessment of facilities and personnel needed for full service must be established. Effective procedures must be adopted and maintained for acquiring and disseminating significant information derived from educational research and demonstration projects to teachers and administrators of programs for handicapped children and promising educational practices must be adopted from such projects. The plan must be made available to all interested parties prior to its submission to the United States Commissioner of Education for approval. (45CFRs.121a.120).

The annual program plan is prepared by the Bureau of Program Development and Evaluation. Other bureau directors and appropriate special education project directors contribute to the effort by preparing information for relevant areas of the plan. The State Advisory Commission is involved in the development of the plan, as well. When the Division completes an acceptable final draft of the plan, the Board of Education releases it for public review and comment. Upon completion of the public comment period, the plan is revised and submitted to the Board of Education for final approval. The plan is then reviewed by the Secretary of Educational Affairs, the State Clearing House, the Attorney General and the Governor. Upon acceptance of the plan in the Commonwealth, the plan is submitted to the

Bureau of Education for the Handicapped for approval by the United States Commissioner of Education.

Figure 3: Annual Program Plan Calendar shows how the annual program plan was developed in 1978-1979 and its relationship to receipt of federal funds in federal fiscal year 1980.

PUBLIC LAW 89-313

In order to be eligible for federal funds under Public Law 89-313, the Division of Special Education must submit an annual program plan to BEH. The plan describes each project funded under Public Law 89-313 (45CFRs.116b.10). Figure 2 is a sample of some project abstracts which are included in the annual program plan for Public Law 89-313. The Bureau of Management prepares the plan for submission to BEH in April.

FRAMINGHAM PUBLIC SCHOOLS ED-79-078W Eligible Count: 47
Re-entry IV Staff Funded: 2 Full Time
Project Director: John Lewis Amount Funded: $29,140.
Telephone Number: 872-6037

A case management therapeutic tutoring program is prepared to deliver a set of services in addition to special education services the 89-313 identified children may be receiving. Said services will be provided by two professionals possessing special education experience, psychological backgrounds, knowledge of child development and sensitivity in the area of social interactions.

HOLLISTON PUBLIC SCHOOLS ED-79-040W Eligible Count: 13
Support For Mainstreaming - Phase I Staff Funded: 2 part time
Project Director: Sharon Goldsmith Amount Funded: $8,060.
Telephone Number: 429-4766

Students eligible under 89-313 will receive support services with the goal of optimalizing mainstreaming opportunities within a regular education program, by providing expanded and intensive direct services in the areas of language, speech, reading, interpersonal relationships, fine and gross motor skills through a language therapist and an adaptive physical educator. Additionally support and training will be available to parents and teachers to provide carryover of skills learned in therapy and support mainstreaming efforts.

Figure 2: Sample Abstracts included in P.L. 89-313 Annual Program Plan

ANNUAL CENSUS OF ELIGIBLE STUDENTS

PUBLIC LAW 94-142

The Division must make an annual report of children served under Public Law 94-142 (45CFRs.121a.751-121a.754). The Education Amendments of 1978 changed these child count requirements (see Figure 4). As of school year 1978-1979, children are counted on December 1 and reported to BEH on February 1. Children ages 3-21, who receive special education and related services that meet state standards (i.e., Chapter 766 Regulations) in schools that are publicly operated or supported and who are not counted under Public Law 89-313 may be counted.

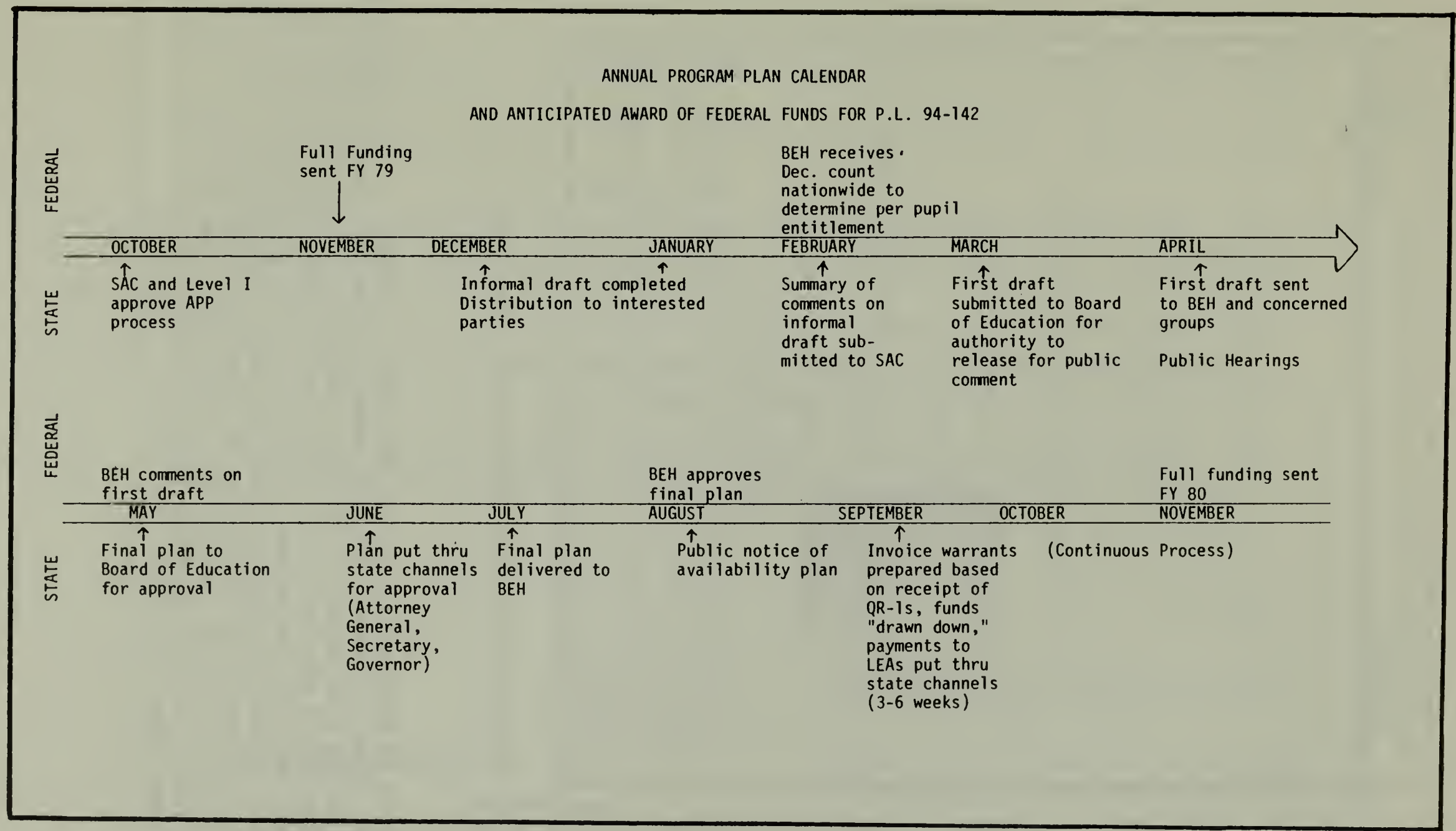

Figure 3: Annual Program Plan Calendar

95TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 95-1753

EDUCATION AMENDMENTS OF 1978

OCTOBER 10, 1978.—Ordered to be printed

Mr. PERKINS, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 15]

"TITLE II—PROGRAM FOR SUBSEQUENT FISCAL YEARS".

PART D—EDUCATION OF THE HANDICAPPED

TECHNICAL AMENDMENT

SEC. 1341. (a) Section 611(a)(3) of the Education of the Handicapped Act is amended by striking out "the average of the", and by striking out "October 1 and February 1" and inserting in lieu thereof "December 1".

(b) The amendments made by subsection (a) of this section shall take effect with respect to determinations made in fiscal year 1979 and thereafter.

Figure 4: Amendment to the Education of the Handicapped Act

The Bureau of Management conducts the count in December. It distributes the form shown in Figure 5 to local school systems and reports the results to BEH on the form shown in Figure 6 by February 1. Chapter 766 of the Laws of Massachusetts prohibits data collection by disability and, thus, by agreement with BEH, Massachusetts reports the data to BEH using the latest available national statistics on the incidence of handicapping conditions. BEH uses the data later in the year to determine Massachusetts' entitlement under Public Law 94-142 for the next fiscal year. The individual school system reports are also eventually used to determine each school system's entitlement under this title.

School System _____ System Code _____

INSTRUCTIONS

1. This form must be completed and returned to the Division of Special Education by January 8, 1979. Please return to: Susan Yaro, Division of Special Education, Department of Education, 31 St. James Avenue, Boston, MA 02116 Telephone (617) 727-5770.

2. The information on this table is being collected to comply with Public Law 94-142. It will be used to qualify Massachusetts for federal funds.

3. All information should be as of December 1, 1978.

4. Include only students now receiving special education services in public schools or collaboratives. Do not count children in private schools or institutions. Do not count any students who were counted in the October 1, 1978, Public Law 89-313 count (School System Summary Report, Table 5, Special Education, Part F, Public Law 89-313, Pupils Formerly in State Programs, page 17).

5. Include only students carried on the special education register required by Section 300.0 of Chapter 766.

COUNT OF CHILDREN RECEIVING SPECIAL EDUCATION ELIGIBLE UNDER P.L. 94-142 AS OF DECEMBER 1, 1978

	CHAPTER 766 PROTOTYPE									
AGE ON DEC. 1	Modified 502.1	Up to 25% Separate 502.2	25% - 60% Separate 502.3	Substantially Separate 502.4	Separate Facility 502.4(i)	Special Day 502.5	Special Residential 502.6	Home or Hospital 502.7	3 and 4 year olds 502.8	TOTAL
3-5										
6-17										
18-21										
TOTAL										

I certify that these data represent an accurate and unduplicated count of children receiving special education as of December 1, 1978.

Person Preparing this Table

Telephone Number

Name Title Date
Authorized Representative of School System

Figure 5: Form Used By Local Public School Systems for Count of Eligible Students under P.L. 94-142

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202
STATE EDUCATION AGENCY REPORT FOR HANDICAPPED CHILDREN (Public Law 94-142)

REPORT OF HANDICAPPED CHILDREN RECEIVING SPECIAL EDUCATION AND RELATED SERVICES

SECTION A GENERAL

1. NAME OF STATE (Type or print in all capitals)

2. REPORT DATE (The State educational agency shall submit this report no later than April 1)
MONTH DAY YEAR

FORM APPROVED
OMB NO. 51-R1205

SECTION B - CHILD COUNT (See attached instructions)

CHILDREN RECEIVING SPECIAL EDUCATION AND RELATED SERVICES

MAJOR HANDICAPPING DISABILITY	NUMBER OF CHILDREN AGED 3 THROUGH 5 (1) December 1	NUMBER OF CHILDREN AGED 6 THROUGH 17 (2) December 1	NUMBER OF CHILDREN AGED 18 THROUGH 21 (3) December 1
1. MENTALLY RETARDED			
2. HARD OF HEARING			
3. DEAF			
4. SPEECH IMPAIRED			
5. VISUALLY HANDICAPPED			
6. SERIOUSLY EMOTIONALLY DISTURBED			
7. ORTHOPEDICALLY IMPAIRED			
8. OTHER HEALTH IMPAIRED			
9. SPECIFIC LEARNING DISABLED			
10. DEAF-BLIND			
11. MULTIHANDICAPPED			
12. TOTAL (Sum of Lines 1 through 11)			

SECTION C - CERTIFICATION

I CERTIFY that these data represent an accurate and unduplicated count of handicapped children receiving special education and related services.

AUTHORIZED STATE OFFICIAL

1. NAME AND TITLE (Type or print in all capitals)	2. SIGNATURE	3. DATE OF OFFICIAL SIGNATURE

No further monies or other benefits may be paid out under this program unless this report is completed and filed as required by P.L. 94-142, Section 611(a)(3)

OE Form 9058, 6/78 Replaces OE Form 9058, 10/76
Revised October 23, 1978

Figure 6: Form for Reporting Annual Count of Eligible Students under P.L. 94-142 to the Bureau of Education for the Handicapped

PUBLIC LAW 89-313

The Division makes an annual report to BEH of all children up to age twenty-one receiving special education in state operated and state supported schools as required by Public Law 89-313 (45CFRs.116b.41-116b.46). The census is conducted as of October 1 and is reported to BEH by November 15. In Massachusetts, there are currently five state agencies which provide special education to students and report under Public Law 89-313. They include the Departments of Education, Public Welfare, Public Health, Mental Health, and Youth Services. Additionally, local public school systems may count children under this title who are currently receiving special education under program prototypes 502.1, .2, .3, .4, .7, and 8[3] and who were in state operated or state supported programs for one year or more since school year 1971-1972.

The Bureau of Management coordinates the conduct of the census by all state agencies. The Department of Education counts children whose education is funded by the Bureau of Institutional Schools (BIS), children in Chapter 766 approved private schools who are funded under Chapter 766 and by the Division of Special Education (children "grandfathered" under Chapter 766), and children returned to local public schools from eligible state operated schools. The Bureau of Management distributes census forms to private schools in late September (see figure 7). It also provides census forms to BIS and the other state agencies to document their count as well (see figure 8). To collect the data from local public schools, the Division includes a table in the School System Summary Report completed annually by all local public school systems. The Summary Report is an annual Department-wide data gathering effort that collects information from school systems regarding a variety of programs as of October 1. Using the Summary Report, the Division also collects other data regarding special education that is required under Chapter 766. Figure 9 shows the table that is used to collect Public Law 89-313 census information from public schools.

When the data is collected from all sources, it is reported to the Bureau of Management on a standard federal form 9052 (see figure 10). The Division collects data regarding those students who have returned to public schools (see figure 9) for all eligible agencies; thus, the Division provides this information for each agency which reports on form 9052. The Division of Special Education reviews the data submitted and subsequently sends the 9052 form to BEH.

The census information reported from each agency and public school is reviewed by the Bureau of Management. There are several criteria the Bureau uses to determine the acceptability of data:

- Students may only be counted once under the agency responsible for providing special education (45CFR s.116b.43). The Bureau reviews the data to eliminate any duplicate counting of students by more than one agency.

---

[3]See Regulations for Chapter 766 of the Acts of 1972, published in September of 1978 for a description of program prototypes 502.1-8.

Massachusetts Department of Education

PRIVATE SPECIAL EDUCATION PLACEMENTS
OCTOBER 1, 1978

School _____

Address _____ Page _____ of _____

NAME OF STUDENT	CITY/TOWN OF RESIDENCE	CHAPTER 766 PROTOTYPE (check one)		FUNDING SOURCE	
		DAY 502.5	RES. 502.6	STATE DIVISION OF SPED	PUBLIC SCHOOL SYSTEM
	TOTALS				

Person Preparing this Form _____ Telephone _____

Figure 7: Private School Census Form

Agency_____ P.L. 89-313 October 1, 1978 Census page___of___

Name of Student	LEA or Permanent Residence	Chapter 766 IEP Effective Date	Chapter 766 Date of Referral	Program Name and Location	State Operated	State Supported

Figure 8: Agency Census Form

TABLE 5
SPECIAL EDUCATION

SCHOOL SYSTEM SUMMARY REPORT
OCTOBER 1, 1978

SYSTEM CODE_____

SECTION II: FEDERAL COUNTS

PART F. PUBLIC LAW 89-313 COUNT.
PUPILS FORMERLY IN STATE PROGRAMS.

PUBLIC SCHOOL PUPILS ONLY

LINE NUMBER	STATE DEPARTMENT WHICH OPERATED OR SUPPORTED PUPILS' FORMER PROGRAMS	CHAPTER 766 PROTOTYPE									TOTAL
		MODIFIED	UP TO 25% SEPARATE	25%-60% SEPARATE	SUBSTANTIALLY SEPARATE	SEPARATE FACILITY	SPECIAL DAY	SPECIAL RESIDENTIAL	HOME OR HOSPITAL	3 & 4 YEAR OLDS	
		502.1	502.2	502.3	502.4	502.4(i)	502.5	502.6	502.7	502.8	
01	EDUCATION										
02	MENTAL HEALTH										
03	PUBLIC HEALTH										
04	PUBLIC WELFARE										
05	YOUTH SERVICES										
	TOTAL										

Figure 9: Table used by local public school systems to count eligible students under P.L. 89-313

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

ANNUAL SURVEY OF AVERAGE DAILY ATTENDANCE OF HANDICAPPED CHILDREN IN SCHOOLS OPERATED OR SUPPORTED BY STATE AGENCIES

FORM APPROVED
OMB NO. 51-R0538

FISCAL YEAR

Read instructions on reverse before completing this form. The data and information provided in this report will be used to determine amount of grants as authorized by the Public Law 89-313, amendment to Title I, ESEA, as amended by Public Law 93-380.

SECTION I - APPLYING STATE AGENCY AND AUTHORIZED AGENCY OFFICIAL

LEGAL NAME OF STATE AGENCY *(such as Department of Welfare, Division of Mental Diseases, Board of Regents, etc.)*

MAILING ADDRESS *(number, street, city, State, and ZIP code)*

CONTACT PERSON *(if different from authorized STATE AGENCY OFFICIAL)*

NAME

TITLE

TELEPHONE	AREA CODE	NUMBER	EXTENSION

MAILING ADDRESS *(number, street, city, State, and ZIP code)*

SECTION II - LEGAL BASIS FOR AGENCY'S CLAIM TO ALLOCATION *(If the answer for any item is "NO," explain basis for claim on separate sheets. Attach explanation to this form, including copies of or excerpts from pertinent statutes and regulations.)*

NOTE: All agencies and schools which have not participated previously in the program must provide pertinent statutes and regulations describing the legal basis for their claims. Please refer to Section II instructions on back of form.

	YES	NO
1. IS THE NAMED STATE AGENCY DIRECTLY RESPONSIBLE FOR PROVIDING FREE PUBLIC EDUCATION OF ALL HANDICAPPED CHILDREN IN THE STATE-OPERATED OR SUPPORTED SCHOOLS REPORTED IN AVERAGE DAILY ATTENDANCE?		
2. IS THE EDUCATION OF EACH HANDICAPPED CHILD IN THE STATE OPERATED OR SUPPORTED SCHOOLS PROVIDED WITHOUT CHARGE TO THE PARENTS OR GUARDIANS?		
3. IS THE INSTRUCTION WHICH IS PROVIDED RECOGNIZED AS ELEMENTARY OR SECONDARY EDUCATION IN THE STATE?		
4. Is each child reported in average daily attendance under age 21?		
5. HAVE ALL HANDICAPPED CHILDREN WHO WERE ON THE MEMBERSHIP ROLLS OF A STATE AGENCY FOR ONE SCHOOL YEAR *(as determined by the State education agency)* AND WHO LEFT THE STATE AGENCY PROGRAMS TO PARTICIPATE IN A SPECIAL EDUCATION PROGRAM OPERATED OR SUPPORTED BY A LOCAL EDUCATION AGENCY BEEN REPORTED TO THE STATE EDUCATION OFFICIAL *(Public Law 89-313 Coordinator)*?		

SECTION III - STATE AGENCY AVERAGE DAILY ATTENDANCE

	NUMBER OF SCHOOLS	AVERAGE DAILY ATTENDANCE											
		Mentally Retarded	Deaf	Hard of Hearing	Visually Handicap.	Emotionally Disturbed	Orthoped. Impaired	Other Health Impaired	Specific Learning Disabled	Multi. Handicap.	Deaf Blind	Speech Impaired	TOTAL
STATE OPERATED													
STATE SUPPORTED (a) IN-STATE													
(b) OUT-OF-STATE													
TOTAL													

SECTION IV - LOCAL EDUCATION AGENCIES AVERAGE DAILY ATTENDANCE

(NOTE. All handicapped children reported in this section MUST be in an appropriately designed special education program provided by a local education agency.)

	NUMBER OF PARTICIPATING LEA's	AVERAGE DAILY ATTENDANCE											
		Mentally Retarded	Deaf	Hard of Hearing	Visually Handicap.	Emotionally Disturbed	Orthoped. Impaired	Other Health Impaired	Specific Learning Disabled	Multi. Handicap.	Deaf Blind	Speech Impaired	TOTAL
LOCAL OPERATED													
LOCAL SUPPORTED													
TOTAL													

SECTION V - CERTIFICATION BY CHIEF ADMINISTRATIVE OFFICIAL OF STATE AGENCY

I CERTIFY that the information provided on this form is, to the best of my knowledge, complete and accurate. A knowingly false claim on this report is a criminal offense under U.S. Code, Title 18, Section 1001 or Section 287.

SIGNATURE

DATE SIGNED

TYPED NAME AND TITLE

TELEPHONE

AREA CODE	NUMBER	EXTENSION

SECTION VI - REVIEW AND APPROVAL OF AUTHORIZED STATE EDUCATION AGENCY ADMINISTRATOR

TYPED NAME	SIGNATURE	DATE SIGNED

OE FORM 9052, 10/75 *(formerly OE Form 2274)* REPLACES OE FORM 2274, WHICH IS OBSOLETE.

Figure 10: Federal Form 9052

- No child counted under Title I or Public Law 94-142 may be counted under Public Law 89-313 (45CFRs.116b.45, s.116b.46). Thus, the Bureau reviews the data collected by the Title I Office of the Division of Curriculum and Instruction for duplicate counting and public schools are advised that children with special needs may only be counted once, under one of the federally funded programs.

- State operated or state supported special education programs must meet Department of Education standards (45CFRs.116b.73). To meet this criterion, students must have a Chapter 766 individual education plan (IEP) in effect when the program is funded with Public Law 89-313 funds. Funded programs must make the assurance that children counted under Public Law 89-313 have effective Chapter 766 IEP's in place. Additionally, private schools are advised to count only children with IEP's in effect. Other agencies submit data on the status of each counted student's IEP (see figure 8).

- In order to assure that private schools who serve children counted under Public Law 89-313 meet Department of Education standards, only those private special education schools approved by Regional Review Boards under Chapter 766, may count children funded by state agencies. The Bureau checks the approval status of every state supported program of this nature that counts students.

Once the Bureau of Management reviews all census forms to make sure these criteria are met and any necessary corrections are made, the 9052 forms are completed and submitted to BEH. Because of prohibitions in Chapter 766 of the General Laws of Massachusetts, the Division of Special Education does not collect Public Law 89-313 student data by disability category, but reports to BEH using the latest available national incidence figures.

AWARD OF FEDERAL FUNDS TO THE COMMONWEALTH

The Commissioner of the U.S. Office of Education must approve the annual program plans before funds may be awarded under Public Law 94-142 or Public Law 89-313. The relationship between approval of the plan and award of funds under Public Law 94-142 is outlined in Figure 2: Annual Program Plan Calendar.

PUBLIC LAW 94-142

The actual amount of funds that the Commonwealth receives in a fiscal year depends upon (1) the number of students counted in the Public Law 94-142 census in December of the prior year, (2) the level of funding authorized by the legislation, and (3) the amount of funds actually appropriated by the Congress for that year. The formula is based on a percentage of the

average per pupil expenditure in public schools in the United States (45CFR s.121a.701).[4] By 1982, up to 40% of that expenditure times the number of counted students may determine Massachusetts' entitlement. In fiscal year 1979, approximately 122,000 children were counted in Massachusetts. The Commonwealth received approximately $157 per child or approximately $19.9 million. A hold harmless provision in the regulations (45CFRs.121a.704) allows that no state shall receive less under Public Law 94-142 than it received for fiscal year 1977 which was $5,212,919 in Massachusetts.

PUBLIC LAW 89-313

Funds awarded to the Commonwealth under Public Law 89-313 in any fiscal year depend upon (1) the number of students counted by each agency in October of the preceding fiscal year (2) the formula in Section 121 of Title I of the Elementary and Secondary Education Act of 1963 (See Appendix A) and (3) the actual amount appropriated by Congress. Generally, the formula is based on 40% of the average per pupil expenditure in the state. In fiscal year 1979, 14,490 children were counted in Massachusetts and the Commonwealth received approximately $687 per child or $9.95 million. A hold harmless provision (45CFRs.116b.40(b)) allows that no state receives an amount less than was received in the prior fiscal year.

OBTAINING FUNDS FOR DISTRIBUTION

If the appropriate Annual Program Plan has been approved and Congress has appropriated funds in a timely manner, the U.S. Office of Education sends the Department of Education a notification of grant award for funds under both titles sometime between July and September. Figure 11 is a sample award notice. Commencing in Fiscal Year 1980, full payment of Public Law 94-142 funds will be received in the first notice of award. Usually full funding is received in the first notice of award for each fiscal year under Public Law 89-313.

When the notice of award is received, the Department may "draw down" funds from a letter of credit with the Federal Reserve Bank and distribute these funds to eligible grant recipients. Funds may be drawn up to the maximum amount awarded to date. Funds may not be drawn until they are going to be expended (45CFRs.100a.60). Thus, funds are drawn on a regular basis in an amount that depends upon the current needs of grant recipients under each title. The Bureau of Management keeps accounts for grants awarded under the federal programs and initiates requests for funds through the letter of credit using regular state procedures.

Under both titles, funds awarded to the Commonwealth in any fiscal year must be spent within twenty-seven months or revert to the federal government. The Division has administrative procedures for minimizing reversions to the federal government, which are discussed in Chapters 2 and 3 of the handbook.

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[4] See page 4 of the Introduction for a brief explanation of the formula.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

NOTIFICATION OF GRANT AWARD

(P.L. 91-230, Title VI, Part B, Education of the Handicapped Act)

DOCUMENT NUMBER: D007900022

ENTITY NUMBER: 1046002284E1

1. ADDRESS (Include Number, Street, City, State, ZIP code)

Honorable Gregory Anrig
Commissioner of Education
State Department of Education
31 Saint James Avenue
Boston, Massachusetts 02116

2. APPROPRIATION SYMBOL: 758/90282

3. COMMON ACCOUNTING NUMBER: 2002399

4. AMOUNT: $ 10,199,572

5. PERIOD OF GRANT (Month, Day, Year): FROM 7/1/78 THROUGH 9/30/80

6. GRANT AWARD IS (Check one): [X] REVISED

PROGRAM TITLE AND CODE
Grants to States for Education of Handicapped Children (Preschool and School Programs)

This award includes funds for both program operations and administration as defined in Section 121.21 and 121.22 of Rules and Regulations, Title 45, Chapter I, Part 121 - Grants to States for the Education of Handicapped Children

Payments under this award will be made available through the HEW Departmental Federal Assistance Financing System (DFAFS). DFAFS is administered by the Federal Assistance Financing Branch (FAFB), Office of the Deputy Assistant Secretary, Finance which will forward instructions for obtaining payments. Inquiries regarding payments should be directed to:
Chief, Federal Assistance Financing Branch
c/o Rockwell Building
5600 Fishers Lane
Rockville, Maryland 20857
Telephone number: (301) 443-1660

PREVIOUS GRANT $8,904,258

AMOUNT THIS GRANT $10,199,572

TOTAL $19,103,830

You are hereby notified of the grant award for your State in the amount shown above the specified program.

You are hereby notified of the grant award for your State in the amount shown above for the specified program.

Federal cash for this grant award is available under the Letter of Credit procedures of the U.S. Office of Education as set forth in the Financial Management Bulletin Series 1, No. 5, June 14, 1965.

This grant award is made subject to the provisions of the approved State plan and projected activities, and the applicable acts and regulations.

9. AUTHORIZED GOVERNMENT OFFICIAL
Dr. Edwin W. Martin, Jr.
Associate Commissioner
Bureau of Education for the Handicapped

10. SIGNATURE: [signature]

11. DATE: 10/23/78

ACCOUNTING DATA (Program offices will complete items marked with an asterisk (*))

RECORD TYPE (1)	FISCAL YEAR (2)	APPROPRIATION SYMBOL * 758/90282 / COMMON ACCOUNTING NO. * (3-9)	EFFECTIVE DATE (Mo., Day, Year) (10-15)	REF. CODE (16-18)	OBLIGATION/ DOCUMENT NUMBER (19-28)	REF. CODE (29-31)	CURRENT DOCUMENT NUMBER (32-41)	OBJECT CLASS (42-45)
7	9	2002399	07-1-78		D007900022			4115

AMOUNT (Dollars and cents) (46-57)		NEGATIVE CODE	ADMIN./PROGRAM (58)	SCI./NON-SCI. (59)	PRIMARY VENDOR NUMBER (60-74)	SECONDARY VENDOR NUMBER (75-89)	MANAGEMENT ACCOUNT CODE (90-95)
$10,199,572	00		P	2	1046002284E1		

MANAGEMENT SUB-ACCOUNT CODE (100-113)	TRANSACTION CODE (114-116)	MODIFIER CODE (117)	REVERSE CODE (118)	GENERAL LEDGER ACCOUNTS (119-126)	VOUCHER SCHEDULE NUMBER (127-133)	PROGRAM PLANNING BUDGET CODE (133-140)	[illegible] MENTS CODE (141-142)	GOVT./NON-GOVT. (143)	MACHINE NUMBER (144)
						11312041		1	

Figure 11: Sample Notification of Grant Award from the U.S. Office of Education

CHAPTER 2
GRANTING FUNDS TO ELIGIBLE RECIPIENTS

The Division of Special Education is directly responsible for the administration of funds received by the Commonwealth under Public Law 94-142 and Public Law 89-313. The Division determines who is eligible for funds, and how much each eligible recipient is entitled to receive. It assists eligible recipients in applying for funds. The Division reviews and approves applications consistent with state and federal regulations for appropriate programmatic use of the funds and fiscal accountability. The following sections of the Chapter describe the policy and procedures the Division uses to carry out these duties.

PUBLIC LAW 94-142, ENTITLEMENT FUNDS

ELIGIBLE RECIPIENTS

Seventy-five percent of the funds received in the Commonwealth under Public Law 94-142 are to be distributed to local public schools to expand and improve special education programs. Each public school system is entitled to a proportion of the funds equal to the number of children ages three through twenty-one, who are receiving special education in that school system (45CFR s.121a.707). School systems must meet the requirements in the regulations for Public Law 94-142 in order to be eligible to receive funds. Additionally, they must meet the administrative requirements for use of the funds regulated by Part 100b, 100c, and Appendices B, C, or D, as appropriate, of Title 45 of the Code of Federal Regulations (see Appendix B) and the Department of Education publication, Financial Accounting and Bookkeeping Requirements for State and Federal Funds Awarded by the Department of Education (see Appendix G).

DETERMINING ENTITLEMENTS

The amount each local school system is entitled to receive under Public Law 94-142 in any fiscal year is determined by multiplying (1) the number of students reported in the previous fiscal year to be receiving special education, who were not counted under Public Law 89-313, times (2) the per pupil entitlement established by the Division. The determination is made approximately one year prior to the time that the funds will be awarded to the Commonwealth and subsequently to local public schools. The Associate Commissioner makes a best estimate of the amount of funds expected to be appropriated by Congress in the next fiscal year, also taking into account any available carryover funds from the previous year to determine the per pupil entitlement for local public schools. If the entitlement for all local school systems turn out to be less than seventy-five percent of the Commonwealth's total award for that year, the next year's per pupil entitlement for local public schools is adjusted upward accordingly.

APPLICATIONS

Local school systems make application for funds several months in advance of the start of the federal fiscal year during which their project(s) will be funded. School systems apply for funds using an application form developed by the Division of Special Education called, Local Education Agency Application

and Annual Program Plan for Special Education (see Appendix C). The plan and application form is prepared by the Bureau of Program Development and Evaluation with the assistance of the other Bureaus. It is mailed to local schools by the Bureau in late summer, and is to be completed and returned to the appropriate regional special education office by a designated date in late fall. Included with the plan and application is a notification of entitlement funds available to the school in the next fiscal year. The Bureau of Management uses the count from the previous year to notify school systems of the amount they will be eligible for when applying for funds. Each school system receives, with its blank Local Education Agency Application and Annual Program Plan for Special Education a memorandum informing them of its entitlement (see Figure 12). Regional federal funds specialists receive a copy of this information as well so they may assure that school systems do not exceed their entitlements when applying for funds.

Division of Special Education

The Commonwealth of Massachusetts
Department of Education

31 St. James Avenue, Boston, Massachusetts 02116

MEMORANDUM

TO: _____ _____
Code Number

FROM: *Richard F. Knox, Director* R.F.K.
Bureau of Management

SUBJECT: *Entitlement for School Year 1979 - 1980*
P.L. 89-313
P.L. 94-142

Below are your school system's entitlements for school year 1979 - 1980 under P.L. 89-313 and P.L. 94-142. Use these figures when submitting your applications for funds in the Annual Program Plan.

Your school system's entitlement under P.L. 89-313 was determined using the count of eligible children submitted to the Division of Special Education in October 1977. The Division verified this count and forwarded the information to the Bureau of Education for the Handicapped in Washington.

P.L. 89-313 _____ X $850 = _____
Eligible Students *Entitlement* *TOTAL*

Your school system's entitlement under P.L. 94-142 was determined using the average of the October 1, 1977 and February 1, 1978 counts of eligible children submitted to the Division of Special Education. The Division verified this count and submitted the information to the Bureau of Education for the Handicapped in Washington.

P.L. 94-142 _____ X $150 = _____
Eligible Students *Entitlement* *TOTAL*

Figure 12: Sample Notification to Local School Systems for Entitlement under Public Law 94-142 and Public Law 89-313.

Regional staff from the Bureau of Program Audit and Assistance conduct workshops in the regions to assist local school systems in completing the plan and application. Local special education administrators usually prepare the plans and applications, which must be approved by the superintendent and school committee before being submitted to the regional office for review and approval.

Regional federal funds specialists (members of the Federal Funds Task Force[5]) and other staff who are designated by the regional special education director review the completed plan and application for compliance with federal and state priorities and regulations. They negotiate any changes that must be made in the plan and application with the local school system and recommend approval of the plan and application to their regional special education director. Within the plan and application is a short section called, "Application under Public Law 94-142." Upon review and satisfactory negotiation with the local school system, this section is sent to the Bureau of Management for final approval and recording. Notice of final approval of the application for funds is given to the regional office by the Bureau of Management (see figure 13). The regional special education director then signs a copy of the complete plan and application and returns it to the local school system, thereby notifying the school system that the plan for special education and application for federal funds is approved.

CRITERIA FOR APPROVAL

There are several criteria for approval of an entitlement grant under Public Law 94-142. The application is designed to make the local school system aware of these criteria when applying for funds. Additionally, the Division has developed a checklist for regional staff to use when reviewing applications for approval (See Figure 14).

The following list briefly outlines the criteria for approval of an application:

- The local school system must make certain federally required assurances regarding practices, procedures, and use of funds (see assurances in Appendix C and see Appendix D for explanation of assurances 1 and 5).

- The local school system must show in the data summary section of the plan that it is maintaining its state and local fiscal effort to provide special education programs (45CFRs.121a. 230). Federally funded programs may continue to be federally funded from year to year and may be used to provide state mandated services, but no federal funds may supplant state or local funds previously expended for special education programs. (See Appendix E: Reply from BEH regarding a request for a waiver under P.L. 94-142, August 1978).

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[5]The Federal Funds Task Force consists of a special education staff member from each region and central office staff from the Bureau of Program Audit and Assistance and Bureau of Management. The Task Force establishes and implements procedures for the administration of federal funds and makes recommendations to the Associate Commissioner and Bureau Directors regarding policy, when necessary.

Division of Special Education

The Commonwealth of Massachusetts
Department of Education

31 St. James Avenue, Boston, Massachusetts 02116

M E M O R A N D U M

TO: Regional Special Education Director

FROM: Richard F. Knox, Director
Bureau of Management

RE: Notice of Project Approval - Public Law 94-142, Title VI-B

GRANT RECIPIENT _____ PROJECT NUMBER _____

PROJECT TITLE _____ TOTAL AMOUNT APPROVED _____

PROJECT DURATION _____

The project identified above has been technically reviewed for consistency with relevant Federal Regulations. We have found no unallowable costs included in the budget detail provided. Therefore, we recommend that the project be approved when the remaining sections of the Local Education Agency Applications and Annual Program Plan for Special Education are satisfactorily completed.

Please send a signed copy of the cover sheet for the local school system's approved plan to my attention when it is completed. This notification will permit us to forward an initial payment contingent upon approval of the Commonwealth's annual program plan and receipt of federal funds.

RFK/mad
Enclosure
cc: Regional Federal Funds Specialist

Figure 13: Notice of Project Approval for P.L. 94-142 Local Public School Application

Part III - P.L. 94-142 Application

School System: _____

Program Title: _____

Entitlement $: _____

A. Use of Funds

THIS SECTION TO BE COMPLETED BY PROGRAM REVIEWER

- [ ] Serves priority #1 population
- [ ] Serves priority #2 population
- [ ] Addresses outstanding non-compliance issues
- [ ] Other (only if first 3 priorities met)

B. Technical Review

	Complete	Incomplete	Needs Clarification
1. Grant type checked. (p. 11)			
Members of consolidated grant listed (p. 11)			
If local, budget (p.12) equals $7,500 minimum; if consolidated, total equals $7,500 minimum.			
2. Project duration - maximum duration - 12 months within September 1 and August 31.			
3. Topic and objective areas. Topics listed on application are funded on checklist (PP. 17-36).			

	Not Applicable	Complete	Incomplete	Needs Clarification
4. Program director and program location(s) completed.				
5. Title - completed				
6. Abstract - program described in sufficient detail to be understandable.				
7. Superintendent - (a) data completed				
(b) signature				
8. Budget Page				
- Check addition				
- Personnel - job title, percentage of working time listed (local salary schedules apply).				
- Fringe Benefits - itemized, allowable costs. (CFR100b, Appendix B) up to 15-20% of salary line item is reasonable.				
Administrative Costs - itemized. Up to approximately 10% of total budget is reasonable.				
- Instructional materials - itemized.				
- Equipment - itemized - no data processing equipment for purchase.				
- Inservice training - described briefly here or in abstract-no audio visuals for public or semi-public use.				
- Transportation - no foreign travel, Short description.				
- Consultants ($100 per day maximum).				
- Evaluation - short description which indicates whether evaluation is for project activities or other Special Education programming.				
- Other - costs in this line item should not duplicate costs in the other line items.				

Figure 14: Review Checklist for Approval of P.L. 94-142 Application

- The local school system must show in the "Annual Program Plan and Application Checklist" that it is meeting state and federal regulations regarding special education (45CFRs.121a.220-121a.240 and Regulations for Chapter 766).

- Each application for a project must be a minimum of $7,500 (45CFRs.121a.360). School systems may combine their entitlements and submit a consolidated application to meet this requirement (45CFRs.121a.190).

- School systems must meet federal and state priorities for use of the funds. Federal priorities are to provide a free, appropriate public education to all handicapped children, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children with most severe handicaps who are receiving an inadequate education. The state priority for fiscal year 1980 is to remedy any areas of non-compliance with Chapter 766 and Public Law 94-142 that are identified as a result of a special education program audit or compliance review.

- The proposed budget for federally funded activities must comply with Parts 100b and 100c of Title 45 of the Code of Federal Regulations, which describes allowable costs and requirements for administration of funds.

- Projects may be funded for any portion of one year from September 1 to August 31.[6]

PUBLIC LAW 94-142--DISCRETIONARY FUNDS

Twenty-five percent of the funds received in the Commonwealth under Public Law 94-142 are allocated to the Department of Education. Five percent are used for administration of the program, including such activities as development of the annual program plan, management of funded projects and technical assistance (45CFRs.121a.620, 621). These funds are managed through a state administration account and all expenditures are made using standard state procedures. Twenty percent are used to provide direct services and support services to children with special needs who are not receiving special education or are receiving inadequate programs. Planning for the use of these funds occurs in the previous fiscal year during the development of the annual program plan.

ELIGIBLE RECIPIENTS

The Division of Special Education administers discretionary funds in one of two ways. If the funds are to be used for a service provided directly by the Division of Special Education, an allocation account is established for that program and funds are managed by the Department using standard state procedures.

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[6] Although federal funds for any fiscal year are available for twenty-seven months, the Division has established this policy for the funds it administers to assure that no federal funds need be reverted to the federal government. Funds not used in the first fiscal year are "carried over" to the next fiscal year and redistributed to eligible recipients.

If the funds are to be used for a service provided by another state or local agency, or non-profit organization, that agency or organization is awarded a grant which it administers for use according to the approved application. Because the Division uses its discretion in determining who will receive this portion of Public Law 94-142 funds, the Board of Education must approve any grant application before funds may be awarded. Applications are considered for approval once a month during regular Board of Education meetings.

REQUEST FOR PROPOSALS

The Division of Special Education develops a request for proposals (RFP) if the Division decides to have another agency or non-profit organization provide a direct or support service in special education. Depending upon the nature of the service to be provided, various Bureaus, regional offices, and, possibly, other members of the Department or other concerned parties review the proposals submitted, select the best proposal, and submit it to the Coordinating Committee for approval. The Coordinating Committee, a Division committee made up of a member from the Bureau of Management, Program Development and Evaluation, Program Audit and Assistance, and a regional center coordinator and regional special education director review the proposal and accompanying application (see Appendix E). The Committee makes recommendations to the Associate Commissioner regarding submission to the Board of Education for approval. Staff members of the Bureau of Management provide technical assistance to the Coordinating Committee and the Associate Commissioner in reviewing applications and preparing them for submission to the Board of Education. If the Associate Commissioner determines, after considering the Coordinating Committee's recommendations, that a proposal go to the Board of Education for approval, the Bureau of Management prepares a Project Information Sheet on the proposal (see figure 15) for the Board to review approximately two weeks before its monthly meeting. On the basis of this information, the Division's recommendation for approval, and any additional information the Board may request from the Division, it approves or disapproves the grant.

CRITERIA FOR APPROVAL

In addition to meeting the criteria for approval that is called for in an RFP, applicants for discretionary funds must meet many of the same requirements as applicants for entitlement funds under Public Law 94-142.

- Applicants must make certain federally required assurances regarding practices, procedures and use of funds (see assurances in Appendix E and see Appendix D for explanation of assurances 1 and 5).

- The program must meet federal priorities to provide a free, appropriate public education to all handicapped children, first with respect to children who are not receiving an education and second with respect to handicapped children with severe handicaps who are receiving an inadequate education or to meet other requirements of Public Law 94-142.

Grant Recipient_____ Board Meeting Date_____

Amount of Grant_____requested Board Priority_____

_____recommended

Grant Period _____

Source of Funds_____

Type of Grant:

_____new

_____continuing
Previous Year's Award $_____

PROJECT EXPENDITURES	Instructional Services	Non-Instructional Services	TOTAL
Salaries and Benefits			
Purchased Services			
Supplies, Materials			
Capital Outlay/Equip.			
All Other			
Total			

Project Title and Description (include grade level and subject area).

Number/Type of persons to be served_____

_____

_____

Number of staff to be employed by project: Full Time_____Part Time_____
School systems (or schools if one district) participating in the project:

1._____ 4._____

2._____ 5._____

3._____

Figure 15: Project Information Sheet

- The proposed budget must comply with Parts 100a, 100b, and 100c of Title 45 of the Code of Federal Regulations, which describe allowable costs and requirements for the administration of funds.

All discretionary grants must also meet the criteria established in the Department of Education publication, Administrative Requirements for the Application and Approval of Discretionary State and Federal Grants (see Appendix F). Funds awarded to discretionary grant recipients must be administered according to the Department of Education publication, Financial Accounting and Bookkeeping Requirements for State and Federal Funds Awarded by the Department of Education (see Appendix G).

PUBLIC LAW 89-313

ELIGIBLE RECIPIENTS

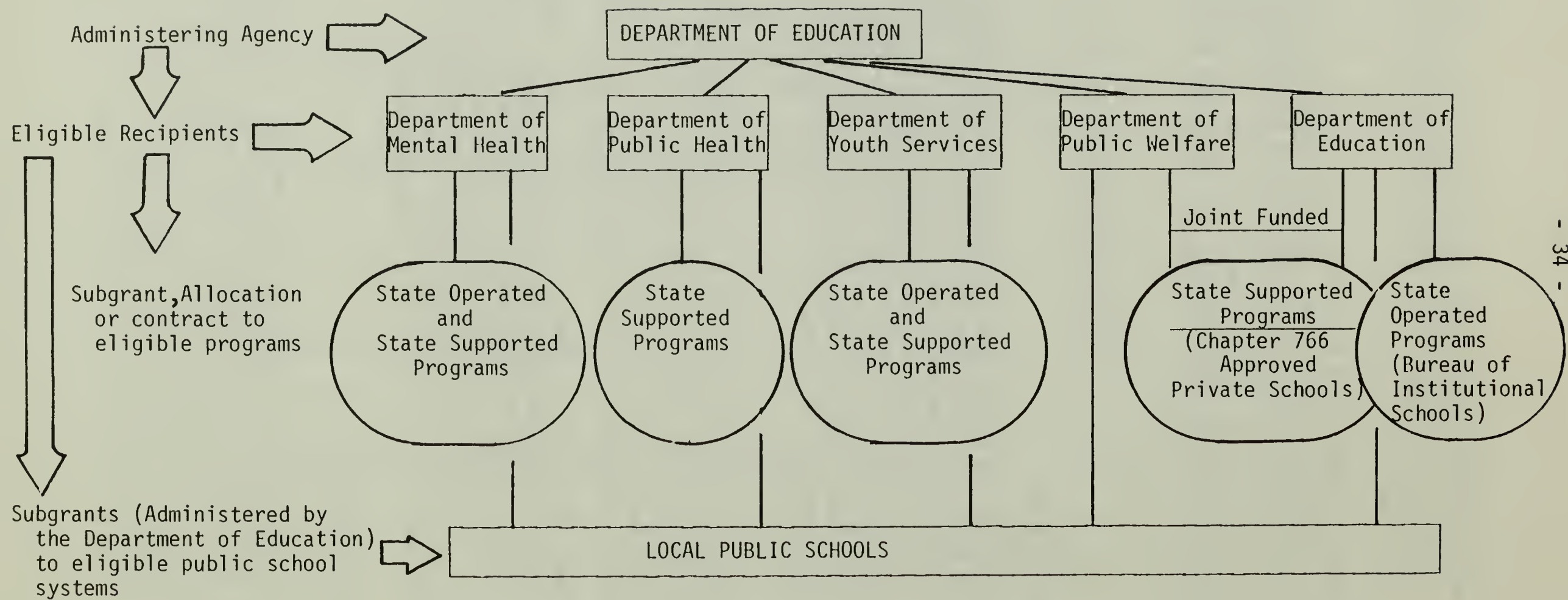
Funds under Public Law 89-313 are awarded to the Commonwealth to be administered by the Department of Education. State agencies that operate or support education programs for students with special needs are eligible to receive the funds. They in turn, may allocate funds, subgrant, or contract with their state operated or supported schools to provide supplemental programs to students counted as eligible under Public Law 89-313. The Departments of Education, Public Welfare, Public Health, Mental Health and Youth Services are all eligible agencies. The Department of Education is also the administering agency for Public Law 89-313 funds.

Local public schools are also eligible to receive funds under Public Law 89-313. Section 121 of Title I of the Secondary Education Act, as amended, allows state agencies to count children who have returned from state operated or supported programs to a local public school special education program, if the funds generated by that child are transferred to the local public schools to be used for supplementary special education for the child.

Figure 16 shows the eligible agencies in Massachusetts that receive funds under Public Law 89-313 administered by the Department of Education. The chart outlines the relationship between the agencies and programs that are eligible to receive funds. The Department of Education plays three roles in this process. It is the administering agency, an eligible agency and, also, the agency that awards funds to local public schools who serve students that have returned from any of the eligible state agencies.

DETERMINING ENTITLEMENTS

The amount each agency is entitled to receive under Public Law 89-313 in any fiscal year is determined by multiplying the number of eligible students reported by that agency in the previous fiscal year times the per pupil entitlement established by the Division. To determine the entitlement, the Division makes a best estimate of the amount of funds expected to be appropriated by Congress in the next fiscal year keeping in mind the hold harmless provision in the law and taking into account any available carryover funds from the previous fiscal year. If the Massachusetts' per pupil entitlement


Administering Agency
DEPARTMENT OF EDUCATION
Eligible Recipients
Department of Mental Health
Department of Public Health
Department of Youth Services
Department of Public Welfare
Department of Education
Joint Funded
Subgrant, Allocation or contract to eligible programs
State Operated and State Supported Programs
State Supported Programs
State Operated and State Supported Programs
State Supported Programs (Chapter 766 Approved Private Schools)
State Operated Programs (Bureau of Institutional Schools)
Subgrants (Administered by the Department of Education) to eligible public school systems
LOCAL PUBLIC SCHOOLS

exceeds the entitlement set by the Division, the extra funds are ordinarily carried over and awarded in the next fiscal year. Entitlements for local public schools are determined in the same way using the same per pupil entitlement established by the Division for the agencies.

REQUEST FOR PROPOSALS AND APPLICATION FOR FUNDS

Agency Applications

Shortly after the census is conducted on October 1 the Bureau of Management, with the assistance of the Federal Funds Task Force, develops a request for proposals (RFP) and application for funds for distribution to eligible state agencies in the next fiscal year. The RFP describes the program, states the year's priority for use of the funds, and highlights federal and state requirements and rules for making application (see Appendix H). When the content of the RFP is approved by the Associate Commissioner, the Bureau of Management distributes it to eligible agencies (not including itself). Agency applications are reviewed and approved by the Bureau of Management. The Bureaus of Program Development and Evaluation and Program Audit and Assistance assist the Bureau of Management in reviewing applications for appropriate programs.

Funds Allocated to the Department of Education

Bureau of Institutional Schools

Funds are allocated to the Bureau of Institutional Schools (BIS) based on the eligible count of students who are living in institutions and are receiving special education programs that are the responsibility of this Bureau to provide. In addition to the eleven state schools where BIS provides educational programs, eligible students in state hospitals operated by the Department of Mental Health are counted and eligible to receive funds under BIS, as well, since the Department of Education provides special education programs for these students.

BIS administers its funds through contracts with educational collaboratives that provide supplementary programs to the counted students. BIS develops an RFP to which interested collaboratives respond. BIS awards and administers the contracts through standard state 03 contract procedures, which require, among other things, prior approval by the Executive Office of Educational Affairs and filing with the State Comptroller before contracts may be awarded.

Private Schools

Funds are also allocated to the Division of Special Education based on the eligible count of students placed in Chapter 766 approved private schools. Students counted by the Division are those who are placed (1) under the Chapter 766 process or (2) under the grandfather clause in Chapter 766, which allows the Division to continue funding children it had placed in private schools prior to the implementation of Chapter 766 in September 1974. Students in category

(2) are often referred to as "grandfathered" students or "Chapter 750" students. Children placed in private schools through the Chapter 766 process are considered to be in programs supported by the Division of Special Education because placement of the student is approved by state Regional Review Boards; the schools are approved by the Regional Review Boards; and a large portion of the tuition that the local school pays for the placement is reimbursed by the state.

The Bureau of Management, with the assistance of the Federal Funds Task Force, develops an RFP and application for eligible private schools to apply for funds under Public Law 89-313. The RFP is developed within a few months after the count is conducted, asking for applications for the next school year. Once the content of the RFP is approved by the Associate Commissioner, it is distributed by the Bureau of Management to approved schools that submitted a count of eligible students (see Appendix I).

Both the Division of Special Education and the Department of Public Welfare place many children in Chapter 766 approved private schools. In order to minimize the time and administrative costs associated with applying for funds, private schools may submit a joint application using both their Education and Welfare entitlements in response to one RFP. The Department of Public Welfare does not review these applications, but accepts the Division of Special Education review and approval process as sufficient for approval of use of their funds in these state supported schools.

At the time when the RFP is distributed, private schools are notified by the Bureau of Management of the maximum funds that are available to them from the Department of Education and the Department of Public Welfare for the next fiscal year (see figure 17). Regional federal funds specialists are sent summary sheets of eligible schools and their entitlements (see figure 18). After the RFP is distributed by the Bureau of Management to all eligible private schools, the regional federal funds specialists conduct workshops to review the RFP and assist private schools in completing their applications. Private schools submit their applications to the appropriate regional offices where they are reviewed and any required changes in proposed projects are negotiated.

Upon approval at the regional level, applications (see Appendix J) are sent to the Bureau of Management, where they are logged in and reviewed for completeness and compliance with federal regulations. If approvable, the grant recipient is notified by letter (see figure 19) from the Bureau of Management with a copy sent to the appropriate regional center.

Local Public Schools

A public school system may have counted children under Public Law 89-313 who transferred from schools that were operated or supported by any of the eligible state agencies under Public Law 89-313, including the Departments of Education, Welfare, Public Health, Mental Health, and Youth Services. The school system may also have counted children who returned to their school district, after being placed in Chapter 766 approved private schools for a year or more. The Division of Special Education administers the funds available to local school systems for those counted children from all participating state agencies (45CFRs.116b.12).

Division of Special Education

The Commonwealth of Massachusetts
Department of Education

31 St. James Avenue, Boston, Massachusetts 02116

M E M O R A N D U M

February 1, 1979

TO: Director

_____

_____

_____

FROM: Richard F. Knox, ~~Director~~
Bureau of Management

SUBJECT: Entitlement for School Year 1979-1980 Under Public Law 89-313

Below is the entitlement for students counted in your school under Public Law 89-313. These figures indicate the maximum amount of funds you may apply for in school year 1979-1980, contingent upon receipt of federal funds by the Commonwealth.

The entitlement was determined using the count you submitted to the Division of Special Education and/or the Department of Public Welfare in October 1978. The Division verified this count, eliminating any duplicate listing of students. If you have any questions regarding the accuracy of this information, please contact John Cunningham at (617) 727-5770.

DEPARTMENT OF EDUCATION

_____	x	$850	=	_____
eligible students		entitlement		total

DEPARTMENT OF PUBLIC WELFARE

_____	x	$850*	=	_____
eligible students		entitlement		total

Total entitlement under Public Law 89-313 _____

*This amount is the full per pupil entitlement which the Department of Public Welfare (DPW) will receive in FY1980 and represents our best estimate of what you may receive from DPW. However, if DPW decides to use any of its FY1980 funds for agency-wide services, this per pupil entitlement may be reduced. In that event you will be notified immediately. The entitlement will not fall below $650 per student.

Figure 17: Notification to Private School of its Entitlement under P.L. 89-313

REGION _____ P.L. 89-313 PRIVATE SCHOOL PROJECTS YEAR F.Y. 1980

School	Entitlement Count		$	Project	$	Project	$
	ED						
	DPW						
	TOT						
	ED						
	DPW						
	TOT						
	ED						
	DPW						
	TOT						
	ED						
	DPW						
	TOT						
	ED						
	DPW						
	TOT						
	ED						
	DPW						
	TOT						
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	ED						
	DPW						
	TOT						
	ED						
	DPW						
	TOT						
	ED						
	DPW						
	TOT						
	ED						
	DPW						
	TOT						

Figure 18: Summary by Region of Eligible Private Schools and Their Entitlements under P.L. 89-313

Division of Special Education

The Commonwealth of Massachusetts
Department of Education

31 St. James Avenue. Boston, Massachusetts 02116

NOTICE OF PROJECT APPROVAL - P.L. 89-313, Title I

GRANT RECIPIENT _____

PROJECT NUMBER _____

PROJECT NAME _____

TOTAL AMOUNT APPROVED _____

PROJECT DURATION _____

Dear .

We approve the project identified above for payment in the total amount indicated contingent upon approval of the Commonwealth's annual program plan and receipt of federal funds. When the Commonwealth receives those funds from the federal government, we will forward your initial payment.

Sincerely,

Richard F. Knox
Director
Bureau of Management

/mad
cc: Regional Special Education Director

Figure 19: Notice of Project Approval for P.L. 89-313 Projects

Eligible public schools make application for funds under Public Law 89-313 as part of their Local Education Agency Application and Annual Program Plan and application. The application is reviewed along with the entire plan and is submitted and approved using the same procedures that are described in the section, PUBLIC LAW 94-142--ENTITLEMENT FUNDS. Regional Federal funds specialists use a checklist for the review of Public Law 89-313 application which is shown in Figure 20.

CRITERIA FOR APPROVAL

Projects funded under Public Law 89-313 must meet the requirements outlined in the Request for Proposals or, in the case of a local public school application, the Local Educational Agency Application and Annual Program Plan for Special Education. There are several criteria that must be met when responding to the RFP and completing the application that are briefly outlined below:

- Projects must provide or supplement programs which provide special education and related services. This may include necessary planning, evaluation, and dissemination of project activities (45CFRs.116b.60).

- All children counted must receive some direct benefit from the funds. Eligible children who were not counted may participate in projects on a space available basis and other children with special needs may participate, as long as counted children are receiving benefits from the funds and are receiving appropriate special education commensurate with their needs (45CFRs.116b.50, 116b.55).

- The applicant must maintain its fiscal effort to provide special education programs and may not supplant any state or local funds with these federal funds (45CFRs.116.40(a)).[7]

- The project must be planned to meet the assessed needs of the children and include measurable child centered objectives. (45CFRs.116b.21).

- Teacher's aides funded by the project must be appropriately trained (45CFRs.116b.32).

- No payments may be made for tuition (45CFRs.116b.32), or for state mandated transportation (45CFRs.116b.63).

- In order to meet the Department of Education's standards for special education as required by 45CFRs.116b.51, all children served in the project must have a Chapter 766 IEP in effect.

---

[7] Part 116 of Title 45 of the Code of Federal Regulations (see Appendix K) pertains to all Title I projects including projects funded under section 121 of Title I, State Operated Programs for Handicapped Children.

IV. P.L. 89-313 APPLICATION

School System: _____

Program Title: _____

Entitlement: _____

	Not Applicable	Complete	Incomplete	Needs Clarification
1. Grant type checked (page 11). Members of consolidated grant listed.				
2. Project duration -- maximum duration twelve months within September 1 and August 31.				
3. Topic and objective areas -- make sure that funds are allocated in checklist for topic areas listed on application.				
4. Program director and program location(s) completed.				
5. Program activities are listed by child centered objectives and are understandable in relation to budget line items.				
6. Title of program completed.				
7. Superintendent				
(a) data completed				
(b) signature				
8. Budget page				
--Check Addition				
--Personnel--job title, percentage of working time listed, (local salary schedules apply).				
--Fringe benefits--itemized--allowable costs (CFR 100b, Appendix B) up to 15-20% of salary line item is reasonable.				
--Administrative costs--itemized--up to approximately 10% of total budget is reasonable.				
--Instructional materials--itemized.				
--Equipment--itemized--no data processing equipment for purchase.				
--Inservice training--described briefly here or in abstract, no audio-visuals for public or semi-public use.				
--Transportation--no foreign travel--short description. No transportation that is mandated by Chapter 766.				
--Consultants ($100 per day maximum) short description.				
--Evaluation.				
--Other--costs in the line item should not duplicate costs in other line items.				
9. Completed and corresponds to equipment in line item budget.				
10. Number of students served by all P.L. 89-313 projects should at least equal eligible count, unless children have left system				
11. Review				
12. Review				
Review--Evaluation--P.L. 89-313 (page 41) review for completeness and appropriateness.				

Figure 20: Review Checklist for Approval of P.L. 89-313 Public School Projects

- The applicant must make certain federally required assurances regarding practices, procedures, and use of funds (see Assurances in Appendix J and see Appendix D for explanation of assurances 1 and 5.

- The proposed budget for federally funded activities must comply with Parts 100a, 100b, and 100c of Title 45 of the Code of Federal Regulations which describe allowable costs and requirements for administration of funds.

- Projects may be funded for any part of one year from September 1 to August 31.

For additional information regarding the appropriate use of Public Law 89-313 funds, see Appendix R, which is a series of letters to and from the Compliance Officer at the Bureau of Education for the Handicapped regarding interpretation of the regulations.

CHAPTER 3
MANAGING GRANTS

Once grant applications under Public Law 94-142 and Public Law 89-313 have been reviewed and approved by the Division of Special Education, there are several controls that the Division uses to assure that funds are properly distributed, and administered by the grant recipient in accordance with its approved application. There are established procedures for forward funding projects. If grant recipients want to make a change in their projects during the course of the year, there are established procedures to amend applications. Projects are monitored by the Division on a regular basis. Grant recipients must evaluate the effectiveness of their projects on an ongoing basis, and make quarterly reports on expended funds, as well. Grant recipients must also submit end of year reports on their projects and return any unexpended funds. Based on the information received from these end of year project reports, the Division must report annually, to the U.S. Office of Education regarding use of funds. The Division also coordinates with the Department of Education's Bureau of External Audit in conducting audits on individual grants on a regular basis. The following sections explain each of these activities in more detail, outlining the federal requirements in each area, who in the Division is responsible for conducting the activity, and how the activity is accomplished.

PROCEDURES FOR FUNDING PROJECTS

Federal regulation permits the practice of forward funding projects under Public Law 94-142 and Public Law 89-313. That is, funds for the projects may be distributed in advance of expenditures (45CFRs.100b.254). When an eligible recipient has been awarded a grant under either title, the Division uses basically the same procedure to forward fund the project. The Bureau of Management records the projects awarded, initiates a first payment to the project at the appropriate time, and responds to further requests for funds from the project recipient.

ASSIGNING A PROJECT NUMBER

At the time a project has been approved for funding, the Bureau assigns a project number to the grant and sets up a project record file containing the approved grant application and all subsequent correspondence pertaining to the grant. Project numbers are assigned using the following systems.

Under Public Law 89-313 a project may be assigned a number like PW-79-125M/P. The first part (PW) indicates that this project is funded through Public Welfare's entitlement; the next two numbers (79) indicate the fiscal year of the project's duration (Fiscal Year 1979); the next three numbers (125) indicate that this is the one hundred twenty-fifth project to be funded under Public Law 89-313 for Fiscal Year 1979. The (M/P) indicates that the project was awarded to a private school (M) that is located in the Pittsfield region (P). The following codes are used to assign project numbers:

Code	Agency
ED	Department of Education
PW	Department of Public Welfare
MH	Department of Mental Health
PH	Department of Public Health
YS	Department of Youth Services
EW	Departments of Education and Public Welfare (joint funded)

Code	Location
M	Private School
I	Bureau of Institutional Schools
P	Pittsfield Region
S	Springfield Region
L	Southeast Region
B	Greater Boston Region
N	Northeast Region
W	Central Massachusetts Region
O	Out-of-State

Under Public Law 94-142 a project may be assigned a number like 79-095-132L. The first part indicates the fiscal year of the project's duration (Fiscal Year 1979); the next three numbers (095) is the Department of Education's system code number for the public school system running the project; the last three numbers (132) indicate that this is the one hundred thirty-second project to be funded under Public Law 94-142 for Fiscal Year 1979. The letter (L) indicates that this is an entitlement project reviewed and approved by the Southeast Regional Education Center. School system codes are obtainable from the Department of Education's Annual School Directory. The following code is used to indicate the location where the project is reviewed and approved.

Code	Entitlement Funds, Approved by the Regional Offices
P	Pittsfield Region
S	Springfield Region
L	Southeast Region
B	Greater Boston Region
N	Northeast Region
W	Central Massachusetts Region

Approved by the Board of Education

A--Discretionary Grant

INITIAL PAYMENTS

The first payments for grants awarded in a fiscal year are initiated by the Bureau of Management. It is the intent of the Division to process payments early enough for funds to be available to grant recipients at the start of projects, which is generally during the month of September. The ability of the Division to accomplish this goal is dependent upon the availability of funds under each title in July. If the state annual program plans have been approved on schedule and funds have been appropriated by Congress in a timely manner, first payments under each title are received by the Department in July or early August and monies are available to forward fund projects as planned. Ordinarily, there are also carry-over funds available under each title that may be used to partially forward fund projects for the new fiscal year.

An initial payment letter (see Figure 21) is sent to each grant recipient from the Bureau of Management. This letter indicates what project is being funded and how much is being sent. At the time that this letter is prepared, the Bureau prepares a project record card for its files (see Figure 22) and the payment is entered in a budgetary control register. The Bureau prepares

Division of Special Education

The Commonwealth of Massachusetts
Department of Education

31 St. James Avenue, Boston, Massachusetts 02116

NOTICE OF INITIAL PAYMENT - P.L. 89-313, TITLE I

GRANT RECIPIENT _____ PROJECT NUMBER _____

PROJECT TITLE _____ TOTAL AMOUNT APPROVED _____

PROJECT DURATION _____

The project identified above has been approved for payment in the total amount indicated contingent upon receipt of federal funds. An initial payment of $_____ has been authorized and will be forwarded by the Treasurer of the Commonwealth.

Enclosed is FORM QR-1 (Quarterly Request for Funds) which replaces FORM FB-2. Please note this change.

FORM QR-1 requires more comprehensive information than FORM FB-2. Failure to complete FORM QR-1 correctly may delay processing of future requests for funds.

FORM QR-1 should be completed and returned to Harold Stone, Division of Special Education,31 St. James Ave., Boston, MA 02116 at least four to six weeks prior to the date that you will require additional funds.

No expenditures are authorized prior to the effective date of the project.

Sincerely,

Effective Date _____

Richard F. Knox
Director
Bureau of Management

RFK/mad
Enclosure

Figure 21: Initial Payment Letter

PROJECT RECORD CARD

TITLE I 89--10 ESEA

CITY, TOWN OR REGIONAL SCHOOL DISTRICT _____ _____ FUNDS

PROJECT NUMBER	FEDERAL FUNDS ENCUMBERED	DATE APPROVED	PAYMENT	DATE OF INVOICE WARRANT	SCHEDULE OR VOUCHER NUMBER	TOTAL AMOUNT LIQUIDATED TO DATE	BALANCE OF FEDERAL FUNDS APPROVED	REFERENCE

Figure 22: Project Record Card

invoice warrants for these initial payments and sends them to the Department's Business Office. The Business Office submits all invoice warrants to the Comptroller's Division of the Department of Administration and Finance and then to the Governor's Council for approval and finally, they are forwarded to the State Treasurer's Office for issuance of a check to the grant recipient. This process takes four to six weeks.

If sufficient funds are available, grants up to $10,000 are full funded at the time of initial payment. Projects of $10,000 and up are funded at 25% for the initial payment. If there are not sufficient monies available at the time of initial payment to fund at this level, available funds are prorated proportionately to all recipients.

REQUESTS FOR ADDITIONAL FUNDS--QUARTERLY REPORTS

Requests for subsequent payments under grants must be initiated by the grant recipient using a standard request form called, Form QR-1, Quarterly Request for funds (see Figure 23). Payments made as a result of this request take approximately four to six weeks and are authorized, issued and recorded in the same manner as initial payments. Grant recipients with projects of $10,000 or more may receive up to 25% of the project total at each request. A higher payment may be made if a letter sufficiently justifying the request accompanies the Form QR-1. The grant recipient receives a Notice of Payment (see Figure 24) when the Division has authorized the payment requested in the QR-1.

AMENDMENTS

If the grant recipient wishes to make any major changes in a project funded under Public Law 89-313 and Public Law 94-142, an amendment must be approved by the Division of Special Education prior to making the change. Examples of the kinds of changes that require prior approval by the Division include changes in project objectives, project activities, children to be served, project duration, and project line item budget. The grant recipient must request the amendment in writing, using a standard form, thirty days prior to the anticipated change in order for it to be considered for approval by the Division.

The project administrator (fiscal agent) initiates the amendment request, including in the written request the project title and number, a detailed description of the requested change and sufficient justification for making the change. Depending upon the nature of the grant, the request is submitted to the Regional Education Center or the Associate Commissioner for approval.

PUBLIC LAW 94-142--ENTITLEMENT GRANTS AND PUBLIC LAW 89-313 GRANTS

The regional special education directors are responsible for reviewing and approving or disapproving amendments to entitlement grants to public schools under Public Law 94-142 and grants to public and private schools under Public Law 89-313 in their regions. The regional special education directors or their designees may approve or disapprove programmatic changes at their discretion. They may also approve line item changes up to the maximum entitlement of the applicant agency for that fiscal year. Programs may be extended to August 31 and, in special cases, to September 30 of the project year if there is sufficient justification.

FORM QR-1 (QUARTERLY REQUEST FOR FUNDS) FORM QR-1

Division of Special Education

The Commonwealth of Massachusetts
Department of Education

11 St. James Avenue, Boston, Massachusetts 02116

To be completed by the Grant Recipient:

Date Request Submitted_____

Date Funds Required_____

To be completed by the Division of Special Education:

Date Request Received:

INSTRUCTIONS

1. All sections of this report must be completed when the request is submitted.
2. This report must be submitted in duplicate for each project approved whenever funds are requested.
3. This report should be submitted four to six weeks in advance of the actual need for funds. This will allow sufficient time for processing through the state system.
4. The following allotment schedule must be utilized when requesting additional funds. Requests for funds in excess of this allotment schedule must have a letter of justification attached explaining the need for these additional funds. If a letter of justification is not attached, the request will be reduced to coincide with the allotment schedule. Letters of justification will be reviewed and subsequently approved or disapproved at the determination of the Division of Special Education.

Allotment Schedule

Grant Amount $0 - $10,000	Full payment--first request
$10,000 -	Payments distributed 25% per request

Grant Recipient_____ Project Number_____

Address_____ Ending Date of this project_____

_____

Check One: Title VI, Part B (P.L. 94-142)____ Title I, (P.L. 89-313)____

NOTE: All requests for funds must be received by the Division of Special Education prior to the ending date of the project. No request will be accepted after this date.

(Over)

Part I: 1. Funds received (this project) $_____

2. Funds expended to date of submission (See Total Part III, Column C) $_____

3. Unexpended balance (Subtract line 2 from line 1)* $_____

Part II: Funds required this quarter (See Allotment Schedule, page one) $_____

Part III:

	Column A Budget Approved Originally	Column B** Add or Subtract Approved Amendments, if applicable, indicate revised cumulative totals	Column C Funds Expended to date of submission	Column D Balance Unencumbered to date of submission
Administrators				
Professional Staff				
Other Staff				
Fringe Benefits				
Administrative Costs				
Instructional Material				
Equipment				
Inservice Training				
Transportation				
Consultants				
Evaluation				
Other				
TOTAL				

*Balance should be sufficient to fund the project for four to six weeks. This will allow sufficient time to process this request through the state system.

**Do not complete this column, if the budget approved originally has not been amended.

Column C and D must equal Column A, unless the project has been amended, in which case Column C and D must equal Column B.

I certify that all information contained in this quarterly report is true and correct.

_____ _____

Signature of Authorized Representative Title

Figure 23: Form QR-1

Division of Special Education

The Commonwealth of Massachusetts
Department of Education

31 St. James Avenue, Boston, Massachusetts 02116

Date: _____

NOTICE OF PAYMENT

PUBLIC LAW 94-142, TITLE VI Part-B

GRANT RECIPIENT _____ PROJECT NUMBER _____

ADDRESS _____

_____

A payment of $ _____ has been authorized by the Division of Special Education and will be forwarded by the Treasurer of the Commonwealth.

Please complete and return the accompanying QR-1 form, four to six weeks prior to the need for additional funds, if applicable.

Approved: _____
Harold J. Stone

Enc.

cc: Project Director

(REV. 12/6/78)

Figure 24: Notice of Payment

Figure 23: Form QR-1

Amendments are approved or disapproved in writing to the grant recipient on the standard form. A copy of the approved or disapproved amendment form is sent to the Bureau of Management for the project files. The standard amendment form (AM-1) is shown in Figure 25.

The Bureau of Institutional Schools reviews and approves amendments to their Public Law 89-313 funded contracts using standard departmental procedures for amending 03 contracts.

PUBLIC LAW 94-142 DISCRETIONARY GRANTS

The Board of Education initially approves all discretionary grants under Public Law 94-142. If a grant recipient requests approval of an amendment which would increase the budget, extend the project's duration or result in any major programmatic shifts, such an amendment request would be submitted to the Associate Commissioner for his review and approval. The Associate Commissioner may then submit the amendment request to the Board of Education for its approval. The Associate Commissioner reviews and approves any amendments requesting line item changes.

The Department of Education requires that the Associate Commissioner or his/her designee be notified of all proposed amendments to discretionary grants or contracts within discretionary grants. The Associate Commissioner may also approve, in writing, any requested amendment and must approve or disapprove, in writing, any amendment that would result in a line item change of 10% or more in the budget (Administrative Requirements for the Application and Approval of Discretionary State and Federal Grants.) Copies of all approved amendments are maintained by the Bureau of Management as part of the project file.

MONITORING

The U.S. Office of Education requires that all federal programs that are administered by state agencies be monitored. Section 100b.431 of Part 100b (45CFR) says that, "State agencies shall constantly monitor...to assure adequate progress is being made towards achieving the goals of the grant." The Division of Special Education is responsible for this activity for the two federal programs it administers.

PUBLIC LAW 94-142

Regulations under Public Law 94-142 require that the Department of Education monitor special education programs provided by public agencies to assure that these programs comply with the Law (45CFRs.121a.601). Additionally, the Department of Education must monitor private school facilities that provide special education programs for students placed by public agencies (45CFRs.121a. 402). The Bureau of Program Audit and Assistance (PA&A) and the State and Regional Review Boards share the responsibility to monitor programs.

AM-1 Division of Special Education (STANDARD FORM FOR AMENDMENT) AM-1

The Commonwealth of Massachusetts
Department of Education

31 St. James Avenue, Boston, Massachusetts 02116

To be completed by the Grant Recipient:

Date Request Submitted _____

To be completed by the Division of Special Education:

Date Request Received _____

INSTRUCTIONS

1. All sections of this report must be completed when the request to amend is submitted.
2. This report must be submitted at least 30 days prior to the proposed change, and no later than 30 days before the termination date of the project.
3. All amendments must be approved in writing by the appropriate representative of your regional office prior to implementation.
4. Attach a copy of the original budget page, and the amended budget page, indicating line item and sub-line item totals and changes.
5. Submit this report and two copies to the attention of the appropriate federal funds specialist in your regional office.

Grant Recipient _____
(Local School System or Private School)
Address _____

Project Number _____
Project Title _____

Check One: Title VI, Part B (P.L. 94-142) ____ Title I (P.L. 89-313) _____

Line Item	Column A	Column B*	Column C**	Column D***
	Budget Approved Originally	Budget Approved Currently	Amendment Request	Revised Budget
Administrators				
Professional Staff				
Other Staff				
Fringe Benefits				
Administrative Costs				
Instructional Material				
Equipment				
Inservice Training				
Transportation				
Consultants				
Evaluation				
Other				
TOTAL				

* Complete this column, if the budget approved originally has been amended.
** Indicate amount of increase (+) or decrease (-) for each line item affected.
*** Indicate revised cumulative totals for all line items.

Justification: (Justify why the original budget will not enable the grant recipient to complete the objective(s) of the project, and why the proposed amendment should be implemented. Attach additional sheets if the space provided is not sufficient to explain and justify this request).

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

I certify that the above request(s) are accurate and complete.

_____
Signature of Authorized Representative
(Same as on Original Project)

_____
Title

To be completed by the Division of Special Education:

Action Taken:

Approved ____
Effective Date of Approval _____

Disapproved _____
Reason for disapproval:
_____

_____
Signature of Authorized Representative

_____
Title

_____
Regional Office

Figure 25: Sample Amendment Form

PA&A has developed two systems for monitoring local public schools' compliance with Chapter 766 and Public Law 94-142. One is the program audit and the other is the compliance review. The program audit is a comprehensive monitoring of a school system's special education program. It is conducted by the Bureau and a team of parents and educators from other public schools. The audit includes a review of individual education plans (IEP's), school procedures, and programs. One important part of a program audit is a three to four day visit made by team members. The second system, Compliance Review, is less extensive than the program audit and is conducted by the Bureau alone. It, too, includes a review of IEP's, procedures, and programs, and it includes a site visit. Part of both monitoring systems is a review of projects funded by Public Law 94-142.

The State and Regional Review Boards monitor programs in the private sector. The Boards monitor placement of children in private schools by local public schools, and they also approve the private school programs as required by the regulations for Chapter 766, thereby meeting the requirements of Public Law 94-142.

The Bureau of Management monitors discretionary projects funded under Public Law 94-142. The monitoring system includes review of quarterly progress reports made by the grant recipients and site visits at least annually.

PUBLIC LAW 89-313

The Division of Special Education is responsible for monitoring projects funded under Public Law 89-313, as required by Section 116b.13(f) of the regulations. The Division monitors projects in state operated and state supported schools funded by the Division, itself, and it monitors grants awarded to other state agencies, as well. The State and Regional Review Boards, the Bureau of Management, and the Bureau of Institutional Schools share this responsibility.

The State Review Board and the six Regional Review Boards are comprised of staff members from the human service agencies, a parent, and are chaired by staff members of the Division of Special Education. The Boards approve and monitor private schools that provide special education programs to children placed there by public agencies. Review Board procedures require that programs be reapproved every year and that part of the reapproval process include a site visit by the Board, at least once every three years. In fact, many of the private school programs are visited at least annually as part of the reapproval process.

The Review Boards as part of these site visits monitor projects funded under Public Law 89-313. The procedures for monitoring are described in the Regional Review Board Handbook. A copy of the monitoring form used by the Boards may be found in Appendix L. During the site visit, the reviewer determines if the goals and objectives of the grant are being met in accordance with the approved application. This is done by determining what children are being served by the project, what personnel have been hired with project funds, what equipment and materials have been purchased and if they are being used effectively, and what, if any changes have been made in the project. The regional federal funds specialist may provide assistance to the Regional Review Board in carrying out this responsibility to monitor federally funded projects in private schools.

The Bureau of Management is responsible for monitoring grants to other state agencies. Staff members monitor projects by making site visits to project locations, using a format similar to that of the Regional Review Board monitoring form.

The Bureau of Institutional Schools monitors the effectiveness of programs for its students using the Program Analysis Instrument. This program evaluation tool is designed to evaluate the effectiveness of programs for BIS students in meeting the goal of BIS to provide programs which develop students' abilities to function independently and assist students to move to environments that encourage the growth of these abilities. Programs are evaluated in terms of their location and accessibility to community resources, adequacy of facilities, mainstreaming, program contents, opportunities for students to use skills developed, documentation of student progress in accordance with his/her IEP, staff development, evaluation, philosophy and administration.

All BIS programs are funded through contracts, using state dollars or federal Public Law 89-313 dollars. Consequently, Public Law 89-313 funded projects are monitored as part of the total program monitoring process.

WITHHOLDING FUNDS

Consequent to a monitoring or other contact with a grant recipient that provides evidence of non-compliance with 45CFRs.121a.220-121a.240 or any other requirement in the application, the Division may withhold funds from a grant recipient under Public Law 94-142 and Public Law 89-313 (45CFRs.121a.194 and 45CFRs.116b.74). The Division must notify the grant recipient and give opportunity for a public hearing prior to making a determination of non-compliance to withhold funds. If the Division notifies a local public school system of its intent to withhold funds for non-compliance with the requirements of an approved application, the local public school system must inform the public of the situation (45CFRs.121a.592).

If the public school system wishes to request a hearing it must notify the Commissioner of Education through its Chief Executive Officer within thirty days after notification. The request for a hearing includes a list of all exhibits and witnesses that the public school wishes to include at the hearing. The hearing, conducted by a hearing officer designated by the Commissioner, is conducted within thirty days. The local school system may request a decision based on documentary material only. A decision is rendered within thirty days and is the final action of the Department of Education regarding funding.

EVALUATION

Regulations under Public Law 94-142 and Public Law 89-313 require that procedures be established to evaluate the effectiveness of special education programs. Section 121a.146 of the regulations for Public Law 94-142 require that programs be evaluated annually, including evaluation of IEP's. Section 121a.601 also requires that the state evaluate special education programs. One of the application requirements for projects funded under Public Law 89-313 is a description of procedures which will be used to evaluate the effectiveness of the project (45CFRs.116b.21).

PUBLIC LAW 94-142

Local education agencies are responsible for evaluating the effectiveness of their special education programs.

The regulations under Chapter 766 require that every student's IEP is reviewed and revised as necessary, annually and that the student be re-evaluated every three years. The regulations also require that each school committee evaluate the effectiveness of its special education programs annually. The plan for evaluation is submitted with the school system's Application and Annual Program Plan for Special Education. All programs are to be evaluated, including those programs supported in whole or in part by Public Law 94-142 funds.

Any discretionary grants that are awarded under Public Law 94-142 must contain a plan for evaluation of project effectiveness. The evaluation plan is approved at the time the application is approved. It is the responsibility of the grant recipient to see that the evaluation is conducted. A copy of the summative evaluation is submitted to the Bureau of Management at the conclusion of the project.

PUBLIC LAW 89-313

All project applications under Public Law 89-313 must contain a plan for evaluation. It is the responsibility of the grant recipient to see that the evaluation is conducted. At the conclusion of the project, grant recipients send a copy of the summative evaluation to the federal funds specialist in the appropriate regional office. Private schools send a copy of the evaluation report within thirty days of the conclusion of the project. Public schools submit evaluation reports for Public Law 89-313 funded projects with the next year's Application and Annual Program Plan for Special Education.

STANDARDS FOR CONDUCTING EVALUATIONS

In order to assist grant recipients in planning and conducting useful evaluations of their projects, the Division of Special Education developed a handbook, Evaluation of Projects in Special Education (see Appendix O). The handbook has been distributed to local public school systems, approved private schools, and state agencies which participate in Public Law 89-313 funded projects.

The Division expects that grant recipients will plan for evaluation at the time they make application for funds. Evaluation should occur during the course of the project to determine what improvements could be made during the project year (formative evaluation). The evaluation conducted at the end of a project will determine if a project has achieved its objectives (summative evaluation). Evaluation may be conducted by the project director, designated staff on the project or by an independent evaluator. Issues to consider when making this choice are discussed in the handbook.

In February 1977, the Division of Special Education compiled a list of individuals and organizations interested in evaluating special education programs of various types. The credentials of those included in the list were reviewed by a subcommittee of the Federal Funds Task Force and the list was distributed to local school systems and private schools to assist them in finding qualified evaluators for their projects. The list has not been revised or updated since its original distribution, and although it is one source for locating interested independent evaluators, the Division does not consider the list to be comprehensive or an exclusive source of information.

Criteria for evaluation, as well as suggested methods for conducting formative and summative evaluations, may be found in the handbook. In general, a project is evaluated in terms of its design, management and operation to determine its success in meeting the objectives specified on the grant application. Independent evaluation of projects is encouraged by the Division, and project funds may be set aside for this purpose.

END OF YEAR PROJECT REPORTS

At the end of each project, a grant recipient must make a final report to the Division of Special Education (see Appendix P). This report is due within thirty days of the end of the project. It contains information regarding the actual number of children served and project expenditures. Any unencumbered funds must be returned to the Division of Special Education within thirty days following the project termination. The final report also reminds grant recipients to send summative evaluation reports to the appropriate special education office within thirty days of the termination of the project.

The Bureau of Management sends blank copies of the END OF YEAR PROJECT REPORTS to all grant recipients in June each year. The Bureau monitors these reports and reminds grant recipients if they are delinquent in completing the reports. The Bureau also withholds funding for projects in the next fiscal year if a grant recipient does not submit a report for projects conducted in prior years.

REPORTING TO THE OFFICE OF EDUCATION

The U.S. Office of Education requires that the Department of Education make certain financial and performance reports regarding use of funds under Public Law 89-313 and Public Law 94-142 (45CFRs.100b.403, 100b.432). The Bureau of Management compiles the information required and submits it to the Office of Education. It is submitted annually and is due at the U.S. Office of Education by January 1 (see Appendix Q).

In addition, the Department of Education is required to submit annually fiscal and participant data for twenty-two state administered federal education programs to the U.S. Office of Education. Included among the twenty-two programs are Public Law 94-142 and Public Law 89-313. The Bureau of Management prepares the data regarding these two programs for the Department, which submits the completed report to the U.S. Office of Education, Office of Planning, Budgeting and Evaluation. For each program, the Bureau reports expenditures, number of participants and awards in the next fiscal year to each grant recipient (see Figure 26a). Expenditures are also reported by disability category for each

grant recipient (see Figure 26b). The required data is obtained from approved grant awards and End-of-Year Project Reports submitted by all grant recipients under each program.

AUDITS

Federal regulations require that all federally funded projects be audited at least once every two years (45CFRs.100b.301). The Bureau of External Audit, part of the Division of School Facilities and Related Services, is responsible for conducting these audits. The Bureau schedules audits of grant recipients on a regular basis throughout the year and uses the Bureau of Management's records of the projects during the audit. The Division of Special Education may request that certain projects be audited in addition to those scheduled by the Bureau of External Audit.

If the Bureau of External Audit determines that funds were misspent, misapplied, or that there is an unexpended balance remaining in the grant, it requires that the funds be returned to the Division of Special Education. The Bureau of External Audit remits a copy of the audit report to the Bureau of Management. The Associate Commissioner, through the Bureau of Management may waiver in total or in part, in writing, the audit finding taken by the Bureau of External Audit if he/she deems it appropriate to do so in accordance with federal regulations.

1. MASSACHUSETTS

3. PAGE 1 OF 18

2. EHA VI-B HNDCP PUB SCHOOLS

OMB CAT. NO. 13.449

4. KEYPUNCH CODES

STATE (1-2)	PROGRAM (3-4)
31	12

TO: U.S. COMMISSIONER OF EDUCATION
ATTN: OPBE, ROOM 4079 FOB 6
WASHINGTON, D.C. 20202
DATA COLLECTION REQUIRED BY SEC. 437, GENERAL EDUCATION PROVISIONS ACT, AS AMENDED BY SEC. 512, P.L. 93-380; P.L. 94-273, P.L. 94-274, P.L. 94-482.

ITEM 10. CODES
1 LOCAL EDN AGCY
2 INSTITUTION
3 INT. ADMIN. AGCY
4 STATE AGENCY
5 UNIVERSITY, ETC.
6 PUBLIC LIBRARY
7 OTHER

OMB NO. 51-S-77038
EXP. 3/31/78

ITEM 15. CODES
1 UNDUPLIC ENROLL
2 DUPLIC ENROLL
3 UNDUPLIC A.D.A.
4 DUPLIC A.D.A.
5 OTHER

6. RESPONDING OFFICIAL:

7. PLEASE REPORT ONLY FEDERAL FUNDS.

8. TOTAL AMOUNT OF CARRYOVER FUNDS AVAILABLE TO MASSACHUSETTS FOR FY 1977 UNDER FY 1976 APPROPRIATION ACTS: 541,994

PLEASE OBTAIN INSTRUCTION MANUAL & ELSEGIS CODE LISTS BEFORE PROCEEDING.

STEP 1. CAREFULLY CHECK THIS LIST OF AGENCIES OBTAINED LAST YEAR FROM STATE RECORDS. CORRECT ANY ERRORS. ADD ANY NEW AGENCIES TO END OF LIST. USE ELSEGIS CODES FOR LEAS.

STEP 2. REPORT FOR ALL GRANTS YOU MADE DURING FISCAL YEAR 1976--

STEP 3. REPORT TOTAL AMOUNT AWARDED TO AGENCY IN FY 1977

9. LINE (5-8)	10. AGCY TYPE (9)	11. ELSEGIS CODE (LEAS ONLY) (10-14)	12. RECIPIENT AGENCY NAME (15-44)	12A. GRANTS IN FY 76	13. EXPENDITURES FROM 1976 GRANTS (45-53)	14. NO. OF PARTICIPANTS (54-59)	15. PARTCP CODE (60)	16. 1977 GRANT (61-69)
0001	1	02310	BARNSTABLE	0				
0002	1	04140	DENNIS-YARMOUTH	0				
0003	1	05910	HARWICH	0				
0004	1	09840	PROVINCETOWN	0				
0005	1	01780	ADAMS-CHESHIRE	12160	11964	24	1	
0006	1	03390	CENTRAL BERKSHIRE	0				
0007	1	06750	LENOX	24003	23847	640	2	
0008	1	06670	NORTH ADAMS	0				11000
0009	1	09630	PITTSFIELD	12740	12740	31	1	12000
0010	1	04800	FAIRHAVEN	16000	16000	160	1	
0011	1	04830	FALL RIVER	74400	72583	46	1	20000
0012	1	08420	NEW BEDFORD	47240	37819			
0013	1	10020	REHOBOTH	19800	19800	5	1	
0014	1	10590	SEEKONK	14000	14000	7	1	
0015	1	11020	SOUTHEASTERN REG VOC	22000	22000			
0016	1	11520	TAUNTON	29310	27160	90	1	19600
0017	1	07380	MARTHAS VINEYARD REG	25600	14225	12	1	3750
0018	1	01860	AMESBURY	9500	8600	144	2	
0019	1	01950	ANDOVER	70000	70000	47	1	15,000
0020	1	05280	GLOUCESTER	17500	17500	600	2	

(USE PAGE 2 FOLLOWING FOR EXPENDITURE PURPOSE DATA FOR THESE RECIPIENT AGENCIES.)

Figure 26a: Sample Data Collection Form Submitted to U.S. Office of Education

1. MASSACHUSETTS

3. PAGE 2 OF ....

4. KEYPUNCH CODES
STATE/ PROGRAM
(1-2) (3-4)
31 12

2. EHA VI-B ENDCP FOR SCHOOLS

OMB CAT. NO. 13.449

TO: U.S. COMMISSIONER OF EDUCATION
ATTN: OPBE, ROOM 4079 FOB 6
WASHINGTON, D.C. 20202
DATA COLLECTION REQUIRED BY SEC. 437, GENERAL EDUCATION PROVISIONS ACT, AS AMENDED BY SEC. 512, P.L. 93-380; P.L. 94-273, P.L. 94-274, P.L. 94-482.

OMB NO. 51-S-77038
EXP. 3/31/78

STEP 4.
17. PLEASE REPORT YOUR FY 1976 GRANT EXPENDITURES (ITEM 13, PAGE 1) BY PURPOSE OF EXPENDITURE.
(NOTE THAT RECIPIENT AGENCY LIST ON THIS PAGE MUST CORRESPOND TO LIST ON PRIOR PAGE.)

LINE NO. (5-8)	AGENCY NAME	STATE ADMIN (9-17)	TRAINABLE MENTALLY RETARDED (18-26)	EDUCABLE MENTALLY RETARDED (27-35)	SPECIFIC LEARNING DISABLED (36-44)	EMOTIONALLY DISTURBED (45-53)	SPEECH IMPAIRED (54-62)	ORTHOPEDICALLY IMPAIRED (9-17)	VISUALLY HANDICAPPED (18-26)	DEAF-BLIND (27-35)	DEAF (36-44)	HARD OF HEARING (45-53)	OTHER HEALTH IMPAIRED (54-62)
0001	BARNSTABLE												
0002	DENNIS-YARMOUTH												
0003	HARWICH												
0004	PROVINCETOWN												
0005	ADAMS-CHESHIRE												
0006	CENTRAL BERKSHIRE							5782					5782
0007	LENOX												
0008	NORTH ADAMS						23847						
0009	PITTSFIELD												
0010	FAIRHAVEN			4110	6165	2465							
0011	FALL RIVER		2200	2500	4500	700	5000	700	500		400		
0012	NEW BEDFORD					72583							
0013	FALMOUTH												
0014	SEEKONK												19800
0015	SOUTHEASTERN REG VOC		1500		4000								
0016	TAUNTON												
0017	MARTHAS VINEYARD REG			935	1922		1200						
0018	AMESBURY					14223							
0019	ANDOVER		277	1493	4061	1314	277	179	179		119	237	418
0020	GLOUCESTER			272	11665	875	2717		146	146		292	1167

Figure 26b: Sample Data Collection Form Submitted to U.S. Office of Education